

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(1)

**Regular Second Appeal No.3172 of 2013 (O&M)
Date of Decision: April 27, 2016.**

Sahab Singh

.....APPELLANT(s).

VERSUS

Jagpreet Singh and others

.....RESPONDENT(s).

(2)

Regular Second Appeal No.3173 of 2013 (O&M)

Sahab Singh

.....APPELLANT(s).

VERSUS

Jagpreet Singh and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sherry K. Singla, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

2. The above titled regular second appeals have been filed by appellant-plaintiff Sahab Singh against the judgment passed by Additional Civil Judge (Senior Division), Yamuna Nagar at Jagadhari, dismissing his suit challenging the release deeds dated 18.07.2002 executed by Avtar Singh, his father and Gurnam Kaur, his mother separately regarding suit land as fully described in the head bote of both the civil suits, in favour of

Jagpreet Singh, respondent-defendant No.1.

3. The challenge to the release deed was mainly on the ground that the suit property was joint Hindu family coparcenary property but the plaintiff failed to prove this plea.

4. Learned counsel for the appellant has argued that Gurnam Kaur executed the release deed dated 18.07.2002 but while appearing as DW1, has stated in her affidavit (Ex.DW1/A) that the release deed was the result of fraud and misrepresentation.

5. Similar are the facts and evidence in the other suit relating to the release deed executed by Avtar Singh in favour of respondent-defendant No.1.

6. In the written statements filed by Gurnam Kaur and Avtar Singh, both have admitted the execution of the release deed dated 18.07.2002 by them in favour of respondent-defendant No.1. Statement of Gurnam Kaur was discarded by Courts below in view of the fact that she had never challenged the execution of the release deed. If she is aggrieved, separate remedy was available to her but the appellant-plaintiff cannot be conferred any benefit of her statement. No ground to challenge the release deed could be put forth or proved by the plaintiff and both the Courts below have rightly rejected the claim by the plaintiff challenging the release deed.

7. No substantial question of law requiring determination arises in both these appeals, which have no merits.

8. Dismissed.

April 27, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE