

257

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

**RSA-2119-2016 (O&M)  
Date of decision : 27.07.2016**

Gajender

... Appellant

Versus

Jitender Kumar and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Divanshu Jain, Advocate  
for the appellant.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

**AMIT RAWAL, J. (ORAL)**

The appellant-defendant is aggrieved of the concurrent findings of fact, whereby the suit for declaration and permanent injunction at the instance of the respondent(s)-plaintiff(s) has been decreed and the judgment and decree dated 25.11.2000 has been set aside.

Mr. Divanshu Jain, learned counsel appearing on behalf of the appellant-defendant submits that the suit aforementioned at the instance of the respondent(s)-plaintiff(s) was instituted primarily relying upon the decree dated 08.02.1995 passed in a Civil Suit No.1219 of 1994 executed by Deen Dayal by virtue of which, the property had devolved upon the plaintiff(s) and the defendant(s) equally. However, the suit aforementioned had been filed challenging the decree dated 25.11.2000 vide which, Deen Dayal had given the entire property in favour of the appellant-defendant.

Both the Courts below have ignored the fact that decree was, in fact, in the

shape of a Will and therefore, the previous decree would not hold field. The property stood in the name of the defendant. The first decree was unregistered, whereas the subsequent decree was registered. It was self-acquired property of Deen Dayal and therefore, it required registration and in the absence of the registration of the decree dated 08.02.1995, the suit is liable to be dismissed, thus, urges this Court to formulate the substantial questions of law as drawn in the memorandum of appeal.

I have heard the learned counsel for the appellant-defendant and appraised the paper book and of the view that once, Deen Dayal was not having any right, title and interest in the property as per decree dated 08.02.1995, he could not have again given the entire property in favour of the appellant-defendant by virtue of subsequent decree, in essence, he was not having any right, title and interest. In the close family relations, the decree does not require registration as both the sons had pre-existing right and in case, Deen Dayal had died intestate, the requirement of registration would be immaterial, rightly so, the suit has been decreed.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination and accordingly, the appeal is dismissed.

**27.07.2016**  
yogesh

**( AMIT RAWAL )**  
**JUDGE**

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Whether speaking/reasoned    **Yes/ No**

Whether Reportable            **Yes/ No**