

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 315 of 2014 O&M)

Date of decision : February 25, 2016

Paramjit Singh

..... Appellant

Versus

Kulwinder Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Naveen Batra, Advocate
for the appellant.

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).
CM No. 722-C of 2014

This is an application under Section 151 CPC seeking condonation of delay in refiling the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 08 days in refiling the appeal is condoned.

The application stands disposed of.

RSA No. 315 of 2014O&M)

The appellant-plaintiff is aggrieved of the dismissal of suit seeking declaration that he is joint owner to the extent of 1/3rd share of Sarwan Singh-defendant No.1 in respect of land mentioned in the suit on the basis of compromise dated 17.1.1997 affected in civil suit No. 223 of 1996 and challenge to the sale deed dated 20.1.2004 executed by defendant No.1 in favour of defendant No.2

has been dismissed by both the courts below.

Learned counsel appearing on behalf of the appellant-plaintiff submits that as per the compromise aforementioned defendant No.1 who is none else but father of defendant No.2 had given 1/3rd share of the land aforementioned had been given to the plaintiff but thereafter vide sale deed dated 20.1.2004 transferred the same in favour of defendant No.1. Such act was challenged but both the courts below have not appreciated the previous compromise and dismissed the suit, thus, there is illegality and perversity in the impugned orders.

I have heard learned counsel for the appellant and appraised the paper book and of the view that identical suit of similar nature was filed prior to the present suit which was dismissed. Copy of the same has been proved on record vide Ex. D-2. The compromise did not entail into decree. The property at the hands of Sarwan Singh-defendant No.1 was self acquired property, therefore he could deal with the property in any manner he wanted. The plaintiff did not disclose the factum of dismissal of previous suit (Ex. D-2).

In view of the aforementioned observations, I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

**(AMIT RAWAL)
JUDGE**

February 25, 2016
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