

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

**RSA No.2403 of 2012 (O&M)
Date of decision : 02.08.2017**

Swaran Singh and others

..... Appellants

Vs.

Daulat Singh and others

... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Ravi Gakhar, Advocate for
Mr. Jagdish Manchanda, Advocate
for the appellants.

Mr. Amarjit Markan, Advocate
for respondent No.1.

AJAY TEWARI, J.(ORAL)

CM No.6803-C-2012

For the reasons recorded,the application is allowed. The
deficiency of Court fees is made good.

CM No.6805-C-2012

For the reasons recorded, the application is allowed.
Condonation of delay of 1 day in filing the appeal is condoned.

RSA No.2403 of 2012

This appeal has been filed against the concurrent judgments of
the Courts below holding that the decree suffered in favour of respondent
No.1 by his father was not vitiated in any manner.

Originally the proforma respondent No.2 had filed a suit against respondent No.1 where the present appellants as well as the proforma respondents No.3 and 4 were impleaded as defendants claiming that after the death of the father of the parties i.e. Gian Singh she and all his children had inherited the property in equal shares. She has further pleaded that the proforma respondent No.4 had filed a suit against his father and the respondent No.1 and when she read that suit she came to know that respondent No.1 had obtained some decree from the father-Gian Singh and that decree was obtained by fraud. The case of the respondent No.1 on the other hand was that all the other children of Gian Singh had left for greener pastures and he was the only one who was staying with him in the village and that is why Gian Singh had suffered a decree of half share of his property in his favour and the remaining half share was inherited by all the legal representatives and, infact the appellants and the proforma respondents had sold their shares in the village and gone away.

Both the Courts came to the conclusion that there was no fraud in the decree suffered by Gian Singh in favour of respondent No.1. Both the Courts also rejected the contention that the decree was compulsorily registrable since they both held that respondent No.1 had an interest in the property and the decree had been suffered as a result of family settlement.

Learned counsel for the appellants has not been able to challenge the findings of the Courts below either on facts or on law to show how the judgments are vitiated or what evidence has not been considered or

wrongly considered to come to the conclusion that the judgment and decree was obtained by fraud.

In the circumstances, no fault can be found with the judgments of the Courts below.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

02.08.2017

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No