

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

Date of decision: 31.07.2017

RSA No.1439 of 2015

Karan Singh

...Appellant

Vs.

Ram Partap & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sumit Gupta, Advocate, for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

There are concurrent findings of fact recorded by the both the courts below holding that the first relinquishment deed was not acted upon and had, therefore, lost its efficacy and had no binding effect on the titular rights of the party allegedly giving up her rights to suit property.

One Sohan Kaur was owner in possession to the extent of one half share of the suit land. She allegedly relinquished her rights to the extent of 1/4th share in favour of the plaintiffs vide registered relinquishment deed dated 02.11.2000. Thereafter, by another registered relinquishment deed dated 08.01.2001, she parted away her half share in favour of defendant No.1.

The parties in favour of whom Sohan Kaur relinquished her rights on 02.11.2000 got preferred a suit against the present appellant/defendants. Both the courts below have rightly decreed the suit and held once Sohan Kaur relinquished her one half share on 02.11.2000 with title passing to the co-sharers, then she could not legally transfer her

whole share on 08.01.2001 all over again. This is unlike a testamentary Will, which can always be changed by the testator. I find no reason to disturb the findings of fact and on the law point recorded by the courts below in a second appeal, when there is no error apparent on the face of the record or any legal infirmity, much less a substantial question of law arising for consideration of this Court under Section 100 of the CPC or Section 41 of the Punjab Courts' Act, 1918.

Accordingly, the appeal is found without merit and is dismissed.

31.07.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>