

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

RSA No.53 of 2014
Date of decision : 25.10.2017

Pratap Singh

...Appellant

Versus

Jagat Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Keshav Partap Singh, Advocate for
Mr. Abhimanyu Singh, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

The plaintiff had filed a suit for declaration claiming to be owner in possession and further claiming that defendant No.1-Rattan Singh his father was having no right, title or interest to suffer consent decrees in favour of defendant Nos.3 and 4. It may be noticed that defendant Nos.3 and 4 are grandson of Rattan Singh.

Both the Courts below after appreciating the evidence available on the file have recorded concurrent findings of fact that Rattan Singh had suffered consent decree pursuant to a family settlement already arrived at between the parties. The Court has held that through the consent decree, the family settlement has been acknowledge and hence the decrees are valid.

Learned counsel for the appellant has vehemently argued that in all the plaints which were filed at different point of time, parties had pleaded that the properties are joint hindu family coparcenary property. He has referred to me, copies of plaints which are Ex.P1 and Ex.P7. However, learned counsel has overlooked the fact that in those very plaints, it has been mentioned that pursuant to the family settlement, there has been disruption in the joint hindu family coparcenary and, therefore, the parties have separated. One of the plaint was filed by the plaintiff himself i.e. Ex.P1. Once there is a disruption in the family and parties through family settlement have settled their disputes, thereafter property does not continue to be joint hindu family coparcenary property.

Both the Courts below have further found that Rattan Singh had in fact purchased some of the property involved in the suit.

Such findings arrived at by the Courts below are not shown to be erroneous.

For the reasons recorded above, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Regular Second Appeal is dismissed.

25.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No