

RSA No.3317 of 2017 (O & M) and
RSA No.3417 of 2017 (O & M)

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

RSA No.3317 of 2017 (O & M)
Date of decision :11.09.2017

Smt. Bimla

...Appellant

Versus

Suraj and another

...Respondents

RSA No.3417 of 2017 (O & M)

Smt. Bimla

...Appellant

Versus

Padam Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shiv Kumar, Advocate for the appellant.

ANIL KSHETARPAL, J.(Oral)

By this common judgment, I shall be disposing of RSA Nos.3317 and 3417 of 2017 arising from a suit.

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

Facts are being taken from RSA No.3317 of 2017.

Plaintiff filed a suit for declaration and permanent injunction claiming herself to be co-owner to the extent of 1/6th share, which comes to 32 kanals and 1 marla. She claimed that the property is joint Hindu Family Coparcenary property and challenged the relinquishment deed dated

She impleaded Suraj, her brother as defendant No.1 and Padam Singh her father as defendant No.2. In the written statement filed by both the defendants, it was pleaded that defendant No.1-Suraj is in fact, adopted son of defendant No.2-Padam Singh and relinquishment deed executed by Padam Singh, in favour of Suraj also transfers approximately 16 kanals of land in favour of the plaintiff.

It was further pleaded that the plaintiff had already filed suits bearing No.215 of 2014 and 335 of 2014(subject matter of RSA No.3417 of 2017).

Learned trial Court after appreciating the evidence available on the file, dismissed the suit filed by the plaintiff by recording a finding that Suraj is in fact adopted son and the relinquishment deed dated 16.09.2014, which is a registered document is a legally executed document.

Plaintiff filed the first appeal. Learned First Appellate Court after re-appreciating the evidence available on the file, confirmed the findings of fact arrived at by the trial Court.

Learned counsel for the appellant has submitted that the adoption deed Ex.D-1 is not registered and, therefore, it cannot be used by defendant No.1.

I have considered the submissions. However, I do not find any force in the same. Suraj had filed a suit for declaration against general public and Padam Singh was party defendant. Suraj had sought a declaration that he is the adopted son of Padam Singh. Aforesaid suit was decreed. In an earlier litigation, once it is held that Suraj is adopted son and defendant No.2-Padam Singh also admits Suraj as his adopted son, then the

arguments of learned counsel for the appellant has no force.

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In Civil Suit No.13 of 2014, the plaintiff has challenged the relinquishment deed whereas in Civil Suit No.335 of 2014, he has challenged the adoption deed and the judgment and decree dated 26.07.2013.

In view of the concurrent findings of fact arrived at by the Courts below, there is no ground to interfere.

Hence, both the appeals are dismissed.

11.09.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No