

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

RSA No.3833 of 2017 (O&M)

Date of decision : 02.08.2017

Datta Ram and another

...Appellants

Versus

Balwant Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM No.9519-C of 2017

This is an application for bringing on record LR's of defendant No.2-Ram Parshad. The application is supported by an affidavit.

Allowed, subject to all just exceptions, for the purpose of defending this appeal only.

Main Case

The plaintiffs are in the present Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

The plaintiffs had filed a suit challenging the relinquishment deed/transfer deed dated 17.04.2001 executed by defendant No.2-Ram Parshad in favour of his son defendant No.1. It was claimed that the

property is ancestral and, therefore, Ram Parshad could not transfer the property through relinquishment deed. The plaintiffs had already claimed that they had also got a right in the property since birth.

The Courts below have found that the property came in the hands of Ram Parshad pursuant to a decree of Court dated 13.03.1974. Telu Ram-grandfather of plaintiff Nos.1 and 2 and father of defendant No.1 had given in a family settlement 1/4th share of property each to four persons namely plaintiff Nos.1 and 2 and defendant Nos.1 and 2. Therefore, the property in the hands of Ram Parshad would be own property.

I have heard learned counsel for the appellants. Learned counsel for the appellants has submitted that since property was transferred by way of family settlement in favour of Ram Parshad by his father, therefore, it will be treated as ancestral.

In my opinion, there is no substance in the argument of learned counsel. The property which came in the hands of Ram Parshad pursuant to a civil court decree cannot be treated to have come by inheritance. Ram Parshad who was exclusive owner of the property has given the property to one of his son. In fact, Ram Parshad has transferred the share which he got in family settlement to one son i.e. defendant No.1. Ram Parshad has appeared in the witness-box as DW2 and supported the relinquishment deed/transfer deed.

Learned counsel for the appellants has not pressed any other argument. There is a concurrent findings of fact against the appellants. I

see no reason to interfere with the well-reasoned judgments passed by the Courts below.

Finding no merit in the present Regular Second Appeal, hence, the same is dismissed.

02.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No