

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

RSA No.2871 of 2009 (O&M)
Date of decision : 24.05.2018

Lal Chand (deceased) through his LRs and others

...Appellants

Versus

Rakesh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Roy, Advocate for
Mr. I.P.S. Doabia, Advocate for the appellants.

Mr. Amit Jain, Advocate for respondent Nos.1 to 6.

Mr. A.P.S. Setia, Advocate for respondent Nos.10 to 16.

ANIL KSHETARPAL, J. (ORAL)

The defendants-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

Originally, the property was owned by late Sh. Arjan Dass who executed a gift deed in favour of son Lal Chand on 19.01.1963. It is claimed by the plaintiffs that the Revenue Authorities rather than transferring/mutating the land measuring 4 kanals 6 marlas through gift deed, mutated the entire land measuring 48 kanals 8 marlas in favour of

Lal Chand-defendant No.1 and thereafter defendant No.1 has suffered a consent decree in favour of defendants No.2 and 3. Some land was sold by Lal Chand to defendant No.14. However, that is not subject matter of this appeal because the sale by Lal Chand in favour of defendant No.14 is within his share.

The defendants contested the suit and admitted that the land measuring 4 kanals and 6 marlas was gifted by the father. However, the defendants claimed that remaining land was given to them in a family settlement. The defendants further pleaded the title by way of adverse possession in alternative.

Both the Courts after examining the evidence available on the file recorded the concurrent findings of fact that the defendants failed to produce any evidence that there was any family settlement under which remaining land measuring 44 kanals and 2 marlas had fallen to the share of Lal Chand-defendant No.1.

This Court has heard the learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below and the record.

Learned counsel for the appellants reiterated that Lal Chand-defendant No.1 was transferred the property in a family settlement. He referred to the oral evidence which has already been appreciated by the Courts below and the Courts have found that the evidence led by the defendants is not reliable.

Learned counsel for the appellants could not point out any

substantive non-reading or mis-reading of the evidence. He also could not point out any perversity in the judgments passed by the Courts below.

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

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

24.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No