

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

**RSA No.342 of 2009 (O&M)
Date of Order:19.12.2018**

Sumitra Devi

..Appellant

Versus

Surender Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Baljinder Singh, Advocate,
for the appellant.

Mr. Tara Chand Dhanwal, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing her suit for declaration challenging transfer deeds (release deeds) (8 in numbers) executed between 20.06.2000 to 22.06.2000.

Defendant no.1 is her father, whereas defendant no.2 claims that he is the adopted son of defendant no.1. There is overwhelming evidence available on the file which proves that defendant no.2 was adopted by defendant no.1. The documents are as under:-

- (1) At the time of admission in the school, father's name is mentioned as Sadhu Ram, the adoptive father;
- (2) Ration card also proves that Surender Singh is son of Sadhu Ram;
- (3) There is a registered will executed by Sadhu Ram in

favour of his adopted son Surender Singh, defendant no.2, dated 29.03.1985;

(4) There is a memorandum of adoption, a registered document dated 24.07.2000, acknowledging adoption in the year 1981;

5. There are 8 registered transfer deeds executed and got registered by Sadhu Ram transferring the property in favour of Surender Singh while writing that Surender Singh is his adopted son.

6. In the present suit, a written statement has been filed by Sadhu Ram, defendant no.1, along with Surender Singh wherein again the factum of adoption is admitted.

Keeping in view the aforesaid overwhelming evidence both the courts have recorded a concurrent finding of fact while upholding the transfer deeds/release deeds.

This court has heard 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 appearing for the appellant with all vehemence at his command has submitted that Sadhu Ram was wanting to deprive the plaintiff from the property of her father and therefore, these documents have been created. He submitted that she is the daughter of Sadhu Ram and therefore, she is at least entitled to 50% of the property left behind by Sadhu Ram.

The argument of learned counsel, no doubt, has a strong emotional appeal, however, this court is to balance the law and equity.

In view of the overwhelming evidence, there is no reason for this court to interfere on merely equitable ground. Hence, the regular second appeal is dismissed.

December 19, 2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No