

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

**RSA No.1183 of 2012 (O&M)
Date of Order:25.05.2018**

Inderpal

..Appellant

Versus

Lalit and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Aggarwal, Sr. Advocate, with
Mr. Mukul Aggarwal, Advocate,
for the appellant.

Mr. Mukesh Rao, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the
concurrent findings of fact arrived at by the courts below.

The dispute in the present case is with regard to the property
which was inherited by Savitri @ Savita on the death of her father Sh. Deep
Chand. Plaintiff built up his entire case on the basis of an admitted written
statement filed by Savitri @ Savita along with 2 other family members,
namely, Hoshiari and Lalli in Civil Suit No.367 of 1998, decided on
06.06.2000. In the aforesaid written statement, defendant Savitri @ Savita
had admitted that in a family settlement, her share of the property had fallen
to the share of plaintiff. However, a careful reading of the aforesaid
judgment establishes that the aforesaid family settlement was not found to
be bonafide and the suit filed by the plaintiff was dismissed. It is further not

in dispute that thereafter two ladies Smt. Lalli and Hoshiari transferred their shares to the plaintiff but Savitri @ Savita did not transfer the property.

After the death of Savitri @ Savita , present suit was filed.

Both the courts after examining the evidence available on the file, have held that in view of the previous judgment passed by the court dated 06.06.2000, plaintiff cannot claim any right, title or interest in the property, which was inherited by Savitri@ Savita from Deep Chand.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

May 25, 2018
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(ANIL KSHETARPAL)
JUDGE

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