

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

RSA No.5040 of 2013 (O&M)

Date of decision : 09.08.2018

Pirthvi Singh

...Appellant

Versus

Amar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S. Cooner, Advocate for the appellant.

Mr. Vivek Goyal, Advocate for respondent Nos.1 to 4.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.1-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below decreeing the suit filed by the plaintiffs for permanent injunction restraining the defendants from transferring/alienating the property in any manner whatsoever.

The plaintiffs claimed that the property was a joint hindu family coparcenary property and in a family settlement, the properties were divided and subsequently the family settlement was reduced into writing through Gram Panchayat in the presence of 11 members.

The aforesaid settlement is Ex.P1 on the file. The defendants dispute the correctness of the aforesaid family settlement.

Both the Courts below, after noticing that two marginal

witnesses namely Raghbir Singh and Vinod Kumar have been examined in the Court to prove the aforesaid settlement, decreed the suit.

Even the first appeal filed was dismissed after re-appreciating the evidence.

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

Ex.P1 clearly settles the dispute between the family members. This family settlement is written on a non-judicial stamp paper of ₹100/-. Parties have signed both the pages. On the reverse of the first page, the amount which was payable as per the settlement, has been duly paid and received and acknowledged by the parties.

Keeping in view the aforesaid fact and the evidence of the Courts below, this Court does not find any good ground to interfere.

Regular Second Appeal is dismissed.

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

09.08.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No