

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

**RSA No.644 of 2013 (O&M)
Date of Order: 19.04.2018**

Smt. Kelapati

..Appellant

Versus

Shamsher Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.A.Sheoran, Advocate,
for the appellant.

Mr. Anurag Jain, Advocate, and
Ms. Amandeep Kaur, Advocate,
for respondent nos.4 to 7.

ANIL KSHETARPAL, J(Oral)

Plaintiff no.1-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 respect to the estate of Amar Singh who died on 20.07.1962. Late Sh. Amar Singh was issueless. Therefore, on the death of late Sh. Amar Singh, property came in the hands of Pohlu, the brother of late Sh. Amar Singh, who was only surviving brother. Pohlu executed a Will in favour of his grand son Shamsher Singh. Thereafter, Shamsher Singh and others have sold the property by registered sale deed dated 11.02.1993. The present suit came to be filed in the year 2001.

Both the courts have held that the suit is barred by time as there was a registered sale deed in favour of defendants no.4 to 7 and a registered sale deed is deemed to be in the knowledge of every one as per Section 3 of

the Transfer of Property Act.

Learned counsel for the appellant has submitted that the appellant Kelapati was daughter of Zile Singh and, therefore, she has to be given 1/8th share in the property. It is admitted fact that the property never came in the hands of Zile Singh. Late Sh. Pohlu, who died on 09.09.1977 had executed a will in favour of his grand son i.e. Shamsheer Singh.

Such being the position, there is no ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

April 19, 2018
nt

(ANIL KSHETARPAL)
JUDGE

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