

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

RSA No. 4032 of 2015 (O&M)
Date of decision : March 07, 2018

Savitri, since deceased through her L.Rs

..... Appellant

v.

Tirlok Chand

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Abhimanyu Kalsy, Advocate
for Mr. M.K Palwal, Advocate
for the appellant.

Ajay Tewari, J (Oral)

C.M No.3629 C of 2018

This is an application for impleading the L.Rs of the appellant (wrongly mentioned as respondent in the head note), who is stated to have died on 5.4.2017. For the reasons recorded, this application is allowed subject to just exceptions and the persons mentioned in paragraph 2, are impleaded as L.Rs of the appellant. The person mentioned at sr. No.8 is the contesting respondent herein. Amended memo. of parties is taken on record.

C.M No.9836 C of 2015

For the reasons recorded, this application is allowed and delay of 39 days in refiling the appeal is condoned.

C.M No.9837 C of 2015

For the reasons recorded, this application is allowed and delay of 22 days in filing the appeal is condoned.

RSA No.4032 of 2015

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant, since deceased, now represented by L.Rs whereby she had challenged the decree dated 8.11.2008 which was obtained by her son. The ground taken was that her son the respondent, had fraudulently induced her to sign some documents and to make a statement before the Court and it was only because of that fraud that the said decree had been passed.

Both the Courts below noticed that it was the case of the appellant that the alleged settlement had taken place before the Lok Adalat and she was not able to understand those proceedings, which was factually wrong because as per the record the statement of the parties was recorded prior to the settlement of the claim and that statement was recorded in the regular Court. Both the Courts below also noticed that as per the testimony of the mother she had three sons and her husband had purchased two shops in the names of other two sons. On the basis of this admission, the Courts below accepted the story of the respondent that he had been given 100 sq. yards house in lieu of the two shops which were purchased by his father in the names of his other two sons. Both the Courts below also noticed that had the respondent acted fraudulently he could very well have transferred the entire property in his own name. On the basis of all these circumstances, both the Courts below came to the conclusion that while the mother had not been able to prove the fraud, the son had been able to prove the family settlement. Counsel for the appellant has not been able to

challenge these findings. Consequently, finding no merit, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

March 07, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No