

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

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RSA No.1653 of 2014 (O & M)
Date of Decision:24.07.2018

Rajbir and others

...Appellants

Versus

Nafe Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ranvir S. Chauhan, Advocate
for the appellants.

Ms. Tanya Malik, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

Plaintiffs-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Late Sh. Hazari had suffered a decree in favour of his nephew- Nafe Singh on 03.01.1997. He remained alive for a period of nine years. However, after suffering decree, after his death, the plaintiffs filed a suit for declaration claiming that they are owners in possession of the property left by late Sh. Hazari. It was claimed that the defendant has procured the impugned decree by misrepresentation.

Both the Courts examined this aspect and held that Hazari had himself suffered a decree in favour of his nephew. Still further, the plaintiffs have admitted that it is the defendant, who is in settled possession of the property. Thus, the Courts have held that the plea of the plaintiffs that they

did not come to know of the aforesaid decree stood falsified.

Learned counsel for the appellants has submitted that nephew was not a member of the family. He submitted that in fact families got separated a long back. It may be noticed that Mattu had four sons i.e. Bijender, Jogender, Munshi and Hazari. Nafe Singh is son of Bijender, whereas late Sh. Hazari, who had suffered a decree, who was uncle.

In such circumstances, the family settlement had correctly been acknowledged by late Sh. Hazari. He never challenged the decree passed for a period of nine years when he was alive.

In view thereof, there is no ground to interfere.

Regular second appeal is dismissed.

CM-3996-C-2014 has been filed seeking condonation of delay of 995 days in filing the appeal.

In view of the fact that the appeal has been dismissed on merits, no further order is required and the same is accordingly dismissed.

24.07.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No