

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.1019 of 2018 (O&M)

Date of Decision: 19.11.2018

Sher Singh and others

..... Appellants

Versus

Bhagwan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rajesh Goyal, Advocate, for
Mr. Pritam Saini, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-appellants are in the regular second appeal against the concurrent finding of fact arrived at by the Courts below while dismissing their suit for declaration claiming that the judgment and decree dated 11.12.1993 passed by the Civil Court in a Civil Suit bearing No.797 of 1993 is wrong, illegal and result of fraud. Both the Courts after examining the evidence have found that the previous decree was passed acknowledging a previous family settlement which took place on the occasion of Dipawali in the year 1992. The Courts have further found that the plaintiffs have failed to lead any convincing evidence to prove fraud.

Learned counsel for the appellants while referring to Section 17 of the Registration Act, 1908 has submitted that the decree passed by the Court on the basis of family settlement required registration. This Court has considered the submission, however, find no substance therein. A Civil Court decree is not an instrument of transfer which requires registration. A

decree passed by the Court acknowledging a previous family settlement is only deciding the suit on the basis of consent of the parties as provided under Order 12 Rule 6 of the Code of Civil Procedure. Still further, the present suit was filed after a period of approximately 20 years challenging the decree passed by a competent Court of jurisdiction.

It is undisputed that all parties to the litigation are successors of Rupa @ Roop Ram and therefore, they were family members.

In such circumstances, this Court does not find any error in the judgments passed by the Courts below.

Appeal is dismissed.

19.11.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

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