

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.164 of 2017 (O&M)
Date of Order:02.07.2018

Lajja Ram

..Appellant

Versus

Satvir Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the judgment passed by the learned first appellate court.

Plaintiff filed a suit for declaration that he is owner in possession of 2 biswas of land and agreement/compromise deed dated 14.11.2011 is not binding on his rights.

Balkar Singh son of Lajja Ram was having two sons. His first wife unfortunately died and thereafter he re-married with Smt. Sarabjit Kaur. Smt. Saravjit Kaur was already married and having two sons from first marriage. Her first husband had also died. At the time of second marriage of Balkar Singh with Sarabjit Kaur, a 'Krewanama' (deed of marriage) was reduced into writing Ex.D1, wherein Lajja Ram father of Balkar Singh, the appellant herein, acknowledged that 2 biswas of land shall be owned by Satvir Singh and Lakhvir Singh sons of Sarabjit Kaur from

first marriage. Now the plaintiff-appellant is resiling from the aforesaid agreement.

The learned trial court after recording a finding that both the attesting witnesses of Ex.D1, a 'Krewanama', has been examined, decreed the suit on the ground that 'Krewanama' results in transfer of the property and the transfer of the immovable property beyond Rs.100/- is not permissible through an unregistered document. However, in the first appeal, the aforesaid finding was reversed by the learned first appellate court.

In fact, crevanama Ex.D1, is not only a deed, evidencing marriage but also a memorandum of family settlement wherein to secure the interest of two sons who were brought in by Sarabjit Kaur along with her in the family from the previous marriage. Lajja Ram had acknowledged the rights of the respondents on the land in question. On marriage of Sarabjit Kaur with Balkar Singh, Satvir Singh and Lakhvir Singh became part of the family of Lajja Ram.

Both the courts have found that Ex.D1 has been proved on file. Marginal witnesses Sahib Singh and Nirmail Singh have been examined as DW2 and DW3. Notary Public Ms. Pritbha who had attested the document Ex.D1 has also been examined as DW4. Learned first appellate court has also found that possession is with the defendants. The first appellate court has also found that Lajja Ram cannot permitted to resile from the memorandum of family settlement.

In view of the aforesaid, this court does not find any good ground to interfere with the findings of fact arrived at by the learned first appellate court, which is neither shown to be perverse nor result of non-

reading or misreading of any substantive evidence.

The regular second appeal is dismissed.

July 02, 2018
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(ANIL KSHETARPAL)
JUDGE

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