

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

RSA No.2388 of 2017(O&M)

Date of decision: 10.8.2018

Mewa Devi

....Appellant

VERSUS

Prakash and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Babbar Bhan, Advocate for
Mr. Vinod S. Bhardwaj, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit filed by the appellant/plaintiff claiming 1/6th share out of 1/3rd share of Prabhati Lal, her father in the suit land and challenge to the sale deed dated 315 dated 17.05.2000 by Prabhati Lal in favour of defendants No.1 to 3 was dismissed by the trial Court vide judgment and decree dated 10.05.2013. The appeal preferred by the unsuccessful appellant/plaintiff did not find favour with the Additional District Judge, Narnaul.

The plaintiff/appellant is the daughter of Sh. Prabhati Lal, who had two daughters namely Smt. Mukesh Devi and Smt. Mewa Devi. As per plea of the appellant, there was a family settlement between Prabhati Lal and his daughters whereby the appellant was given 1/6th share in suit land whereas the remaining 1/6th share was given to Mukesh Devi.

The trial Court, in para 18 of the judgment, has held that factum of existence of family settlement between the parties cannot be

denied but in view of other facts and circumstances negated plea of the appellant and answered issue No.1 against her. However, the Court in appeal has rejected even plea of the appellant that there was a family settlement under which the appellant was given 1/6th share out of 1/3rd share of Prabhati Lal, in suit land.

Counsel for the appellant has failed to point out any materials on record to assail factual findings recorded by the Appellate Court negating plea of the plaintiff with regard to any such settlement whereby appellant was given 1/6th share in the suit land. This apart, nothing has been stated by the appellant that what was the family settlement and what was given to Prabhati Lal in the said family settlement. Assuming that there was a family settlement whereby the father relinquished his rights in the suit land in favour of his two daughters, no such relinquishment of right in immovable property valuing more than Rs.100/- is permissible in law unless effected by way of a registered document. Analysed from any angle, I do not find an error much less illegality in the judgments passed by the Courts warranting interference.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

AUGUST 10, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no