

**RSA-2531-2017 (O&M)**

**135**

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

**RSA-2531-2017 (O&M)**

**Date of decision : 03.12.2018**

Dalwinder Kumar

... Appellant

Versus

Devki Devi

... Respondent

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. H.S. Jalal, Advocate  
for the appellant.

\*\*\*\*

**AMIT RAWAL, J.**

The appellant-defendant is aggrieved of the concurrent findings of fact, whereby the suit seeking cancellation of the transfer deed in respect of land measuring 4 kanals 8½ marals i.e. 177/4386 share out of total land measuring 109 kanals 13 marlas, vide transfer deed dated 26.11.2012 executed by the respondent-plaintiff in favour of the appellant-defendant has been decreed by the trial Court and affirmed by the lower Appellate Court by conferring the ownership and possession of land in favour of the plaintiff. The appellant is none-else, but the son of the respondent-plaintiff.

The sole argument raised before this Court is that the appellant-defendant had engaged the lawyer to defend the suit filed by his mother on 26.08.2013, but the lawyer did not contest the suit and therefore, he has been made to suffer. In other words, a litigant should not make suffer due to the lapse on the part of the lawyer. The suit was filed at the behest of other

**RSA-2531-2017 (O&M)**

brother as the transfer deed was acknowledgement of the family settlement.

I am afraid the aforementioned argument is not sustainable, for, transfer deed is dated of 2012 and the suit was filed in the year 2013. The defendant had fraudulently got the transfer deed in his favour and after that, the plaintiff was thrown out from her house. She was compelled to file an application under Section 125 of the Criminal Procedure Code. Such son do not require any relief on equity or on any other account.

As an upshot of my observations, I do not find any illegality and perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the regular second appeal is dismissed.

**03.12.2018**  
Yogesh Sharma

**( AMIT RAWAL )**  
**JUDGE**

Whether speaking/reasoned    **Yes/ No**

Whether Reportable            **Yes/ No**