IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA No.3363 of 2017 (O&M)
Date of decision: 31.07.2018

Deep Bhupinder Singh **..... Appellant**

Versus

Pritam Kaur widow of Daulat Ram and another **..... Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.K. Singla, Advocate
for the appellant.

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ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Bhupinder Singh was owner. He died inter State. His property was inherited by four class-I heirs including the plaintiff, the son, widow, daughter and mother. The plaintiff has filed a suit for declaration claiming that Pritam Kaur, the grand-mother in a family settlement had given the property to him. Pritam Kaur, mother of Bhupinder Singh transferred the property in favour of defendant No.2 vide sale deed dated 29.04.2005. In the written statement, the suit was contested and it was pleaded that in fact there was a matrimonial dispute and Bhupinder Singh had filed divorce petition against his wife Jaswinder Kaur. However, on the persuasion of the respectable when Jaswinder Kaur had given an undertaking to behave properly, divorce petition was withdrawn. The family settlement was denied. Learned trial Court after appreciation of evidence found that the

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original family settlement as alleged is not proved. The sale deed executed by defendant No.1 in favour of defendant No.2 also has been not produced. The family settlement had already been declared to be forged and fabricated in the judgment dated 18.07.2014. Still further, the plaintiff along with her sister and mother filed a suit for specific performance of the agreement (family settlement). The aforesaid suit was also dismissed on 06.02.2015. The first appeal as well as second appeal were dismissed.

Although, learned counsel for the appellant made sincere attempt to persuade this Court to take a different view, however, taking into consideration the facts, correctness whereof is not being disputed, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

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