

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

RSA No.4475 of 2017 (O&M)

Date of decision: 08.03.2018

Dev Raj

..... Appellant

Versus

Ashok Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. D.R. Bansal, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

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

Plaintiff has challenged a Civil Court decree passed by the Court in favour of defendant No.1-Ashok Kumar, his brother suffered by Smt. Radha Rani, the mother. Both the Courts below after appreciating the evidence available on the file have recorded a concurrent finding that the decree passed on 17.03.2007 is a valid decree. The Courts have noticed that the decree was passed on the basis of a family settlement between the mother and the son. In the present case also, the mother was party defendant No.2. She filed written statement and supported the case of the defendant and asserted that she is correctly suffered the aforesaid decree.

Learned counsel for the appellant has vehemently argued that the decree passed by the Civil Court is resulting into transfer of the property and therefore, required registration. This Court has already dealt with the aforesaid issue in detail in the case of Dhain Singh and others Vs.

Mohinder Singh and others, 2017(4), PLR 729. It has been noticed that a decree passed by the Civil Court acknowledging a prior family settlement does not amount to transfer of the property. The Courts have always been leaning towards upholding a family settlement which has been arrived at between the parties acknowledged by a Civil Court decree.

In view thereof, there is no good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

08.03.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

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