

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

RSA No. 5456 of 2017 (O&M)

Date of decision: 27.08.2018

Surinder Kanta

...Appellant

Vs.

Ravi Dutt (through Lrs) and Others

...Respondents

RSA No. 5796 of 2017 (O&M)

Neelam Rani

..Appellant

Vs.

Ravi Dutt and Others

..Respondents

CORAM:HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Batra, Advocate
for the appellant (in RSA No. 5456 of 2017).

Mr. V.K. Kaushal, Advocate
for the appellant(in RSA No. 5796 of 2017)

ANIL KSHETARPAL, J.(ORAL)

This judgment shall dispose of RSA No. 5456 and 5796 of 2017 as both the appeals are arising from a common order passed by trial Court as well as by First Appellate Court.

Defendant-appellants are in the Regular Second Appeal against the concurrent finding of fact arrived at by both the Courts below. It is undisputed that three brother namely Badri Lal, Harbans Lal and Amritsaria were joint owners of the property. It is the case of the plaintiffs that there was a family settlement arrived at between the

parties which was reduced into writing on 13.07.1967. According to which Badri Lal was declared owner of half portion of the property in dispute whereas remaining half portion had fallen to the share of Sh. Amritsaria who was issueless and it was understood that after death of Sh. Amritsaria, the property would devolve upon Badri Lal. The defendants contested the suit and pleaded that there was no family settlement. Family settlement has been proved by proving an entry in the Register of a Document Writer i.e. Shiv Lal. Although Shiv Lal died but his son has been examined and the aforesaid entry which is duly signed and thumb mark by all the parties have been proved on file. The Courts have noticed that defendants had not led any evidence to prove their plea that there was no family settlement. The Courts have further noticed that documents dated 13.07.1967 is more than 30 years old and carries a presumption of correctness.

Although learned counsel for the appellants made sincere attempt. However, could not draw attention of the Court to any perversity or misreading or non reading of evidence by the Court below.

In view thereof, there is no ground to interfere.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

August 27, 2018

Poonam (II)

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No