

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

109

**RSA No.5540 of 2017 (O&M)
Date of Decision : 12.02.2018**

Bhupinder Singh @ Bhinder Singh

..... Appellant

Versus

Jaswinder Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

**Present : Mr. J.S.Thind, Advocate
for the appellant.**

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant.

The appellant had claimed that 311 kanals land was infact owned by him because earlier he had transferred some land in Village Fatuhiwala, Tehsil and District Muktsar (Punjab) in favour of the respondent No.1-Jaswinder Singh his brother in view of a family settlement of the year 1991.

The case of the respondents on the other hand was that the appellant had transferred the land in Village Fatuhiwala as part of an earlier settlement to equate the share between the brothers and there was no such settlement that the respondents were to transfer the land in dispute to him.

Both the Courts below found that there was no mention in the previous decree that it was part of a settlement and that even till date i.e.

challenge that decree and held that the appellant had not been able to prove any family settlement of the year 1991. It may be noticed that the land transferred by the appellant was about 42 kanals as stated by the learned counsel. It otherwise seems inconceivable that one brother would agree to give up 311 kanals of land in exchange for 45 kanals and 7 marlas.

In view of these facts no fault can be found with the judgments of the Courts below wherein it has been held that the appellant has not been able to prove any family settlement of 1991.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

12.02.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No