

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

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RA-RS-49-C-2018 in
RSA No.66 of 1988 (O & M)
Date of Decision:11.05.2018

Harnek Singh

...Appellant

Versus

Jal Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sukhdev Singh Khokher, Advocate
for the applicant/respondent.

ANIL KSHETARPAL, J.(Oral)

CM-6945-C-2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 24 days in filing the review application is condoned.

Application is allowed.

RA-RS-49-C-2018 in RSA No.66 of 1988 (O & M)

Learned counsel for the applicant/respondent has filed this review application on the ground that counsel engaged by the respondent was elevated to the Bench and thereafter she did not engage any fresh counsel. Although, as noticed by this Court on 22.01.2018, Ms. Navdeep Kaur had appeared for Ms. Supriya Garg, however, without going into this controversy, this Court has granted opportunity to the counsel for the respondent to argue the appeal on merits.

have found that the Civil Court decree suffered by Rattan Kaur and case set up by the plaintiff therein was not proved.

However, learned First Appellate Court had held that since the civil Court decree acknowledging a prior family settlement was required to be registered. Therefore, the learned First Appellate Court set aside the civil Court decree dated 10.02.1982.

The civil Court decree passed acknowledging a family settlement is not required to be registered. It is not in dispute that parties to the litigation were family members and it was specifically pleaded that in a family settlement, property had fallen to the share of the defendant-respondent herein. Smt. Rattan Kaur and her daughter subsequently challenged the civil Court decree by filing a suit after a period of more than three years and it was pleaded that she had not voluntarily signed the written statement. However, this Court has noticed that Smt. Rattan Kaur appeared before the Presiding Judge and suffered a settlement.

In view thereof, there is no ground for review the judgment passed by this Court.

Review application is dismissed.

11.05.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No