

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No. 4153 of 2019 (O&M)
Date of decision: 09.09.2019

Daya Chand

...Appellant

V/s.

Ram Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Rajesh Lamba, Advocate for the appellant.

RITU BAHRI, J. (Oral).

The appellant has come up in appeal against the judgments of the lower appellate Court dated 29.07.2019 and of the trial Court dated 31.01.2017 whereby suit filed by the plaintiffs for declaration that the plaintiffs are owners in possession of the suit land on the basis of Lok Adalat award dated 09.05.2007, has been decreed in favour of the plaintiffs.

The case of the plaintiffs was that they are owners in possession of the agricultural land situated within the revenue estate of village Bhanak Pur, Tehsil Ballabgarh, District Faridabad. Plaintiffs No. 1 and 2 are the sons of Chander Bhan and plaintiff No. 3 is the grandson of Chander Bhan. Chander Bhan had executed a registered Will dated 03.03.2006 in favour of the plaintiffs as they used to serve him. Defendant No. 1 used to live separately in a separate house purchased and built by Chander Bhan and he did not serve his father in any manner. Chander Bhan during his life time, relinquished his all rights, title and interest in the suit land in favour of plaintiffs vide Lok Adalat award dated 09.05.2007 in case titled as “Kishan Singh and others V/s. Chander Bhan” and possession was

also delivered to the plaintiffs at that time. Thereafter Chander Bhan died on 07.03.2008 and after his death defendant No. 1 succeeded to get mutation No. 2559 in favour of the plaintiffs No. 1 and 2 and in favour of himself in equal shares on the basis of Will dated 29.01.2008. The plaintiffs were seeking that this mutation on the basis of Will dated 29.01.2008 is liable to be set aside.

Both the Courts below have decreed the suit of the plaintiffs and given a concurrent finding of fact that Lok Adalat award dated 09.05.2007 Ex.P4 was passed during the lifetime of Chander Bhan and the original Will No. 446 dated 03.03.2006 Ex.P7 was executed by Chander Bhan in favour of the plaintiffs and also relinquished his all rights, title and interest in the suit land in favour of the plaintiffs vide an award passed in Lok Adalat dated 09.05.2007. The award of the Lok Adalat dated 09.05.2007 has never been challenged by defendants. Although in the written statement, the defendant No. 1 had taken a plea that award of Lok Adalat was passed fraudulently but he never challenged the same.

Since the Lok Adalat award was never challenged by the defendants, both the Courts below have rightly decreed the suit in favour of the plaintiffs.

Dismissed.

Pending application also stands dismissed.

(RITU BAHRI)
JUDGE

09.09.2019
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No