

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

RSA No.5238 of 2016 (O&M)

Date of decision:15.05.2019

Satnam Singh

... Appellant

Vs.

Harvinder Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vaibhav Narang, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff/Satnam Singh is aggrieved of the action of respondent no.3 through her attorney-defendant no.1 filed the suit challenging the sale deed dated 04.02.2013.

It was asserted that Tara Singh was owner of four properties who had two sons Satnam Singh, plaintiff and Shingara Singh. After his demise, the property was mutated in favour of two sons. Shingara Singh by virtue of Will bequeathed the property in the name of his wife Amarjit Kaur-defendant no.3, who executed a power of attorney in favour of defendant no.1-Harvinder Kaur. On the basis of the same, impugned sale deed was executed. It was alleged that there was already family settlement between the plaintiff and Amarjit Kaur before the sale deed wherein the property subject matter of the sale deed came to the share of the plaintiff.

The defendants opposed the suit and denied the family settlement. The sale deed was in respect of property belonging to Shingara Singh inherited by his wife-Amarjit Kaur, though Amarjit Kaur in a separate written statement stated that she did not receive any consideration but the contents revealed that it was indirect case of the plaintiff.

Both the parties led extensive evidence resulting into dismissal of the suit and its affirmation in appeal.

Mr. Vaibhav Narang, learned counsel appearing on behalf of the appellant submitted that Harvinder Kaur when appeared as DW1 categorically admitted that no consideration was passed on to Amarjit Kaur. It was in tandem with the stand of Amarjit Kaur. It was sham and bogus transaction, therefore, liable to be set aside. The Courts below have ignored the family settlement.

I am afraid the aforementioned arguments are not sustainable, for, even transfer of property having value of more than Rs.100/- by way of family settlement required registration. Shingara Singh had transferred the property to the extent of ½ share by way of Will in favour of his wife which could have been dealt with by her in any manner. The entire pith and substance of the arguments and suit is against the stand of defendant no.1 reflected the apparent collusion or proxy litigation on behalf of Amarjit Kaur. The vendees of the sale deed had become the co-owners and the remedy lies elsewhere.

As an upshot of my findings, arguments of Mr. Narang, have not been able to bring the case within the realm of illegality and perversity

to form a different opinion than the one arrived at by the Courts below. No substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

May 15, 2019
savita

(AMIT RAWAL)
JUDGE

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