

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

RSA-6082-2014 (O&M)
Date of decision : 31.01.2020

Ashwani ...Appellant

Versus

Savitri and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek Khatri, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below while dismissing the suit filed by the plaintiff laying challenge to the transfer deed/release deed executed by Smt. Savitri-defendant No.1 in favour of her daughters dated 03.01.2007.

Plaintiff-appellant filed the present suit claiming that since the property transferred through release deed dated 03.01.2007 is not part of ancestral land, therefore, release deed could not be executed. It is significant to note that the appellant claims that he was adopted as son by the widow Savitri Devi in the year 1990 and his status as a son is not in dispute.

Both the Courts, on appreciation of evidence, have found that the release deed/transfer deed is a document of transfer of title and the property is not proved to be ancestral at the hands of Savitri Devi. Hence, both the Courts have recorded a finding that the plaintiff cannot maintain a suit to challenge the release deed. It may be noted here that the release

deed/transfer deed is registered and is a document transferring title among the family members. The only distinct feature between the transfer deed and sale deed is that such relinquishment deed/transfer deed is among the family members and a fixed amount of stamp duty is payable. Otherwise, for all intents and purposes, such relinquishment deed is deed of transfer of immovable property. Reference in this regard can be made to the judgment reported as **Kuppuswami Chettiar Vs. A.S.P.A. Arumugam Chettiar and another, AIR 1967 (Supreme Court) 1395,** and judgment of this Court in **2011(2) Punjab Law Reporter 44, Harjot Singh and others Vs. Gurjit Kaur and others.**

Even otherwise, Sita Ram, husband of Smt. Savitri Devi expired in the year 1975 whereas adoption in favour of the plaintiff-appellant is in the year 1990. Smt. Savitri became owner of the property when the appellant was not member of the family.

In view thereof, there is no ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Accordingly, the present Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

31.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No