

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

RSA-9876-2018 (O&M)
Date of decision : 03.02.2020

Pushpa Rani

...Appellant

Versus

Sunita Rani and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dhruv Gupta, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the Regular Second Appeal against the judgments passed by both the Courts below.

It is not understandable as to why the present appeal has been filed by the plaintiff. The plaintiff had filed a suit for possession by way of partition and for declaration that the gift deed executed on 25.06.2008 is not binding on her rights.

Some facts are required to be noticed.

Raj Rani and Madan Lal (husband and wife) had purchased the property in dispute through registered sale deeds dated 27.04.1968 and 03.02.1970. Thereafter, they gifted the property in favour of their two daughters-in-law. The appellant-Pushpa Rani is wife of Ramesh Kumar son of Madan Lal. The respondent-Sunita Rani wife of Yash Pal son of Madan became owner by way of gift deed dated 25.06.2008 to the extent of

half share, transferred her share in the property in favour of her husband Yash Pal on 12.08.2009. The plaintiff claimed that the property is joint and, therefore, decree for partition be passed.

Both the Courts, on appreciation of evidence, have found that the plaintiff is entitled to decree for partition and the gift of the property by Sunita Rani in favour of her husband Yash Pal is to be considered only with respect to the share in the undivided property and not of any specific portion.

In the considered view of this Court, at this stage, the plaintiff could not be granted more than what has been ordered 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.

03.02.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No