

**In the High Court of Punjab and Haryana, at Chandigarh**

**Regular Second Appeal No. 334 of 2022(O&M)**

**Date of Decision: 29.04.2022**

Raj Singh

... Appellant(s)

Versus

Shimla Devi alias Seema Devi

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. S.S.Sahu, Advocate  
for the appellant(s).

**Anil Kshetarpal, J.**

1. While assailing the concurrent findings of facts, arrived at by both the Courts below, the plaintiff has filed the present appeal. His suit for grant of decree of declaration that he is an owner in possession of 8 kanals and 6 marlas of land has been dismissed. The property was owned by late Sh.Rajesh Kumar, who was unmarried. He was the brother of the plaintiff (appellant). Late Sh. Rajesh Kumar had transferred the property in favour of his sister namely Smt.Shimla Devi alias Seema Devi. The plaintiff claims that such a transfer is illegal. He also claims that on the basis of a family settlement, late Sh. Rajesh Kumar had acknowledged the plaintiff to be the owner. In order to prove the family settlement, the plaintiff produced a writing dated 02.12.2016, which was not proved. In any case, it was recital in the aforesaid writing that late Sh.Rajesh Kumar would executed a release deed in favour of the appellant, which was never executed.

executed on 09.12.2016 in favour of Smt. Shimla Devi alias Seema Devi are not disputed. The attesting witnesses of the aforesaid release deed along with the Scribe have been examined.

3. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present appeal is dismissed.

4. The miscellaneous application(s) pending, if any, shall stand disposed of.

**(Anil Kshetarpal)**  
**Judge**

**April 29, 2022**  
**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No