

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

RSA-3024-2019 (O&M)

Date of Decision: October 09, 2023

GURMEET SINGH

..... Appellant

Versus

SUKHWINDER SINGH AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Piyush Bansal, Advocate for
Mr. Rajinder Goyal, Advocate for the appellant.

HARKESH MANUJA, J. (ORAL)

By way of present appeal, challenge has been laid to the judgments and decrees dated 02.08.2018 and 25.01.2019 passed by the Courts below whereby, a suit for declaration claiming the judgment and decree dated 23.11.2013 in Civil Suit (Sukhwinder Singh Vs. Bawa Singh) to be null and void and not binding upon the rights of respondents-plaintiffs besides, his claim for permanent injunction has been declined by the Courts below.

2. Briefly stating, the respondents-plaintiffs filed a suit for declaration qua the judgment and decree dated 23.11.2013 passed in CS-262-2013 titled as "Sukhwinder Singh Vs. Bawa Singh" whereby, the property in question was transferred by deceased-Bawa Singh in favour of respondent No.1-Sukhwinder Singh. In the present case, the parties are closely related to each other. The challenge primarily has been based on plea of fraud as well as non-compliance of provisions of Indian Registration Act and Stamp Act besides, claiming that the possession of property in question was never transferred in favour of respondent No.1.

3. Upon notice, the suit was contested by filing detailed written statement, denying the averments made in the plaint. The trial Court vide

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judgment and decree dated 02.08.2018 dismissed the suit filed by the appellant-plaintiff. Aggrieved thereof, the First Appeal was filed, however, the same also came to be dismissed vide judgment and decree dated 25.01.2019.

4. I have heard learned counsel for the appellant and gone through the paper-book.

5. In the facts and circumstances of the present case, a perusal of plaint shows that besides raising the plea of fraud, no particulars thereof have been pleaded therein as required to be done in consonance with Order 6 Rule 4 CPC. Furthermore, the non-registration of the judgment and decree dated 23.11.2013 in the facts and circumstances of the present case wherein, perusal of previous plaint in CS-262-2013 (Sukwhinder Singh Vs. Bawa Singh) which has been proved on record as Ex.P-1 shows that judgment and decree was based on rights created on the basis of a previous family settlement and thus, the decree dated 23.11.2013 never created rights in favour of respondent No.1 for the first time, therefore it was not required to be registered.

6. In view of the discussions made hereinabove, there being no illegality or perversity with the concurrent findings of fact recorded by the Courts below, the present appeal being devoid of merits is dismissed.

7. Pending application(s), if any, shall also stand disposed of.

09.10.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

