

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

**RSA-247 of 2019 (O&M)
Date of Order:20.10.2023**

Ram Singh and others

.Appellants

Versus

Rajesh Kumar and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Brijender Kaushik, Advocate
for the appellants.**

ANIL KSHETARPAL, J

1. In this second appeal, the correctness of the concurrent findings of fact arrived at by the courts below is questioned by the defendants (appellants herein).

2. Sh. Pritam Dass son of Sh. Malik Chand was the owner of the property. The appellants are stated to have purchased the property from Smt. Simmi Rani. She was the daughter of Sh. Pritam Dass, however, given in adoption to Sh. Nathu Ram @ Ram Nath alias Ram Lal, brother of Sh. Pritam Dass.

3. There was a family settlement Ex.P2 by which Sh. Pritam Dass acknowledged that his son Sh. Rajesh Kumar was the exclusive owner of the property. The aforesaid memorandum of family settlement was reduced to writing on 21.09.1995 which was signed not only by Sh. Pritam Dass but also his three daughters, namely, Neelam, Chanchal and Devi.

4. It is the case of the plaintiff that defendant no.4, namely Smt. Simmi Rani on the basis of manipulated entries in the municipal record sold the property in favour of appellants no.1 to 3 vide registered sale deed dated

11.08.2006.

5. Both the courts on appreciation of the evidence have found that Smt. Simmi Rani was adopted by Sh. Nathu Ram and she has no right in the suit property.

6. The learned counsel representing the appellant submits that in view of proviso to Section 14 of the Hindu Adoption and Maintenance Act, the rights which have vested in Smt. Simmi Rani would not stand divested merely because she was adopted. He submits that Smt. Simmi Rani has a vested right in the property of his father.

7. This court has considered the submissions of the learned counsel representing the appellant.

8. It is evident that after the death of Sh. Malik Chand, father of Sh. Pritam Dass and Sh. Nathu Ram, a civil suit was filed by Sh. Pritam Dass, which was decreed on 27.01.1976, declaring Sh. Pritam Dass to be the exclusive owner of the property. Smt. Simmi Rani did not have any vested right in the property of her father.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed.

11. All the pending miscellaneous applications, if any, are also disposed of.

October 20, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO