

SARASWATI (DECEASED) THROUGH LRS

....Appellant

Versus

BHURU

.....Respondent

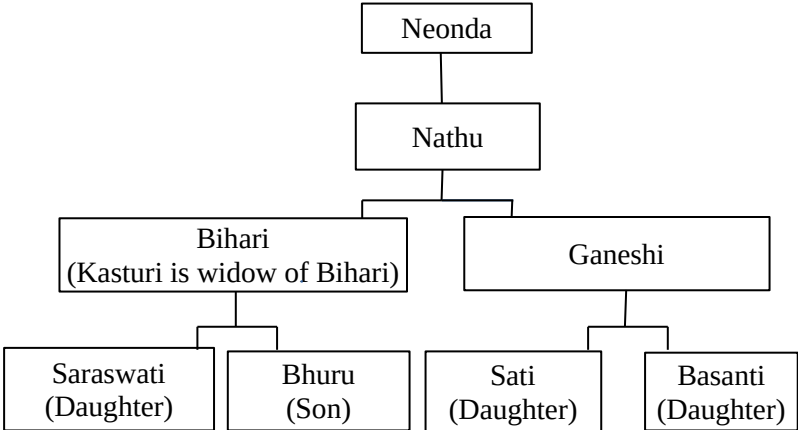
CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. M.S.Randhawa, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff, who filed a suit for possession of one Nohra situated in Village Kanwariyavas, Ahata No. 16 and House number 17 on the basis of a settlement arrived at in the year 1932. In substance, the plaintiff claims that she is exclusive owner of property and the defendant-Bhuru has no right or title in the same.

In order to understand the controversy involved in the present case, drawing of a small family tree is necessary:



It is the case of the plaintiff that Ganeshi was adopted by Nathu. However, on the birth of Bihari, the relationship with Ganeshi was discontinued. It is claimed that Ganeshi in a settlement of the year 1932, relinquished his rights.

On the other hand, defendant has claimed that Smt. Sati and Basanti, gifted their half share in the property left behind by Neonda, in his favour by a registered gift deed dated 21.01.1963. It was claimed that Smt. Kasturi adopted him as her son and he constructed two Kothas, 20-25 years back.

Both the courts, on appreciation of evidence, came to the conclusion that the registered gift deed dated 21.01.1963 is proved and the plaintiff failed to prove any relinquishment/settlement in the year 1932, allegedly executed by Ganeshi, in favour of Bihari or Natha.

Heard the learned counsel representing the appellant at length and with his able assistance perused the paperbook, alongwith the requisitioned record.

Learned counsel representing the appellant submits that after the birth of Bihari, Ganeshi severed relationship from the family of Nathu and therefore, he will not inherit any right in the property.

This Court has considered the submissions made by the learned counsel representing the appellant and it is evident that the entire case of appellant/plaintiff is based on alleged settlement of the year 1932, which she has failed to prove.

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

Hence, dismissed.

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

01.03.2024

Sonu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE