

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1381 of 1998 (O&M)
Date of Order:07.03.2024

Suraj Bhan and others

Versus

Ramesh and others

.Appellants

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Satish Sharma, Advocate, for
Mr. R.S.Mamli, Advocate
for the appellants.

Mr. M.L.Sarin, Sr. Advocate, with
Ms. Himani Sarin, Advocate
for the respondents.

ANIL KSHETARPAL, J

1. In this regular second appeal, the plaintiffs assail the correctness of the judgment and decree passed by the First Appellate Court.
2. On 27.05.1998, the appeal was admitted for hearing on the following issue:-

“The only question that arises in this case is whether the decree obtained by the respondents against Smt. Sunder Devi requires registration.

Admitted.

Status quo of the possession be maintained.”

3. It is evident that Smt. Sunder Devi, aunt of the defendants, namely, Sh. Ramesh, Sh. Jagdev, Sh. Krishan and Sh. Raj Kumar, while acknowledging the family settlement, filed written statement admitting the plaint of her nephews she has made a statement in the court which resulted in judgment and decree dated 30.07.1990.

4. The correctness of the aforesaid judgment and decree was challenged by the children of Smt. Sunder Devi.

5. The trial court held that Smt. Sunder Devi suffered a valid decree acknowledging the family settlement, however, it was not registered. Hence, the court held that such judgment and decree would not result in transferring the property.

6. The First Appellate Court held that registration of the judgment and decree on the basis of family settlement is not required. The property in dispute was inherited by Smt. Sunder Devi from her father Ganeshi. It was located in the village from where she belongs before her marriage. In the previous suit she admitted that in a family settlement, the aforesaid property has come to the share of nephews. Hence, registration of the judgment and decree dated 30.07.1990 was not mandatory.

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

8. Dismissed.

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

March 07, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO