

**RSA-1460-2014(O&M)****223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****RSA-1460-2014(O&M)****Date of decision: 21.02.2025****Hari Chander****..Appellant****Versus****Smt. Sunita Devi and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Aman Bansal, Advocate, for the appellant

Mr. D.P.Shishodia, Advocate for respondents no.1 and 2

ANIL KSHETARPAL, J. (Oral)

1. The plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit for the grant of decree of declaration that the plaintiff and defendant no.2 to 4 are the joint owners in possession of the property.

2. The plaintiff and defendant no.2, 3 and 4 are sons of late Sh.Mast Ram, who has already died. Sh.Mast Ram had seven children. Rajinder son of Sh.Mast Ram who was married to defendant no.1-Smt. Sunita Devi, unfortunately, died in the year 1973. As per the stand of defendant no.1, there was a family settlement between the parties. It was agreed that Smt. Sunita Devi widow of Rajinder will marry Shamsher Singh, another son of Sh.Mast Ram (her brother-in-law) on the condition that the share of Rajinder would exclusively vest in her. Accordingly, in the revenue entries, the property left behind by Rajinder was mutated in favour of Smt.

Sunita Devi in the year 1991. She married Shamsher Singh. Smt. Har Devi

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widow of Sh.Mast Ram remained alive upto 2005. She never claimed the property during 32 years, when she remained alive after death of Rajinder. The plaintiff filed the suit in the year 2008. Both the courts, upon appreciation of evidence, have concurrently found that it was a pre-condition in the family settlement that Smt. Sunita Devi will marry Shamsheer Singh after she inherits the entire property of Rajinder.

3. Learned counsel representing the appellant contends that no family settlement has been produced and proved. Hence, the judgments of the courts below are liable to be set aside.

4. This Court has considered the submissions made by the learned counsel representing the parties.

5. It is evident that as per natural succession on the death of Rajinder, the property was to be devolved upon the widow and the mother in equal shares. However, Smt. Har Devi (the mother) did not claim the property for 32 years. That itself is sufficient to corroborate the case set up by defendant no.1. Moreover, the family settlement has been proved by oral evidence of four witnesses including Shamsheer Singh and Smt. Sunita Devi.

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

7. Hence, dismissed.

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

(ANIL KSHETARPAL)
JUDGE

21.02.2025

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No