



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

RSA-4861-2017 (O&M)

Date of decision : 23.01.2025

Mahender Singh and another

...Appellants

Vs.

Jagdev Singh

...Respondent

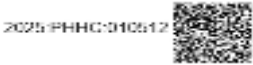
CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Gupta, Advocate
for the appellants.

Mr. Sandeep Kumar Yadav, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The defendants assail the correctness of First Appellate Court's judgment which in turn has reversed the judgment of the trial Court. The plaintiff's suit for grant of decree of permanent injunction to protect his possession as per deed of family settlement dated 13.08.2006 has been decreed by the First Appellate Court, though, it was dismissed by the trial Court. The writing dated 13.08.2006 has been proved by examining three attesting witnesses, namely, Rajpal, Ram Singh and Mahender Singh, and scribe Balbir.
2. A bare perusal of the deed proves that it was signed by both the parties. The defendant denied the existence of family partition and claimed that the same was result of fraud, however, he failed to prove the same. Moreover, on the reverse side of the first page of the deed, the respective portions falling in the name of the various family members have been depicted in the form of a lay out plan.



- 3. Learned counsel representing the appellant submits that the First Appellate Court has erred in reversing the judgment.
- 4. This Court has considered the submissions made by the learned counsel representing the parties.
- 5. The suit is only for grant of permanent injunction. The trial Court failed to appreciate the signed written deed Ex. PW5/B dated 13.08.2006. Hence, the First appellate Court has reversed the decree.
- 6. Consequently, finding no merit, the appeal is dismissed.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

23.01.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No