

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

Rajinder Singh **RSA-1268-1996 (O&M)**
...Appellant

Versus

Baldev Singh (Now Deceased) Through LRs and Anr. ...Respondents

Reserved on: 18.03.2026
Pronounced on: 01.04.2026
Pronounced fully/operative part: Fully

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by: Mr. J.S. Toor, Advocate for the appellant.

Mr. Lakshmeet Kaur, Advocate
for respondent Nos.1(ii) and 1(iii).

Mr. Kshitiz Goel, Advocate for
LRs of respondents No.2 and 3.

Mr. Ishmeet Singh, Advocate for
respondents No.4, 6 and 8.

Mr. Pawan Kumar, Sr. Advocate with
Ms. Vidushi Kumar, Advocate and
Ms. Seema Rani, Advocate for
respondents No.9 & 10.

DEEPAK GUPTA, J.

The plaintiff has approached this Court by way of the present Regular Second Appeal challenging the concurrent findings recorded by both the Courts below, whereby his suit for possession of the suit land has been dismissed. The learned trial Court, vide judgment dated 21.11.1989, dismissed the suit, and the said findings were affirmed by the learned First Appellate Court vide judgment dated 25.11.1995, thus dismissing the appeal.

2. The parties shall be referred to as per their status before the trial Court. Trial court record has been perused.



3. The brief facts, necessary for adjudication of the present appeal, are that defendant No.1 – Baldev Singh is the father of the plaintiff, whereas defendants No.4 to 8 are the sons of Hazura Singh, the paternal uncle of defendant No.1 – Baldev Singh. In an earlier civil suit bearing CS No.195-1983 instituted by defendants No.2 and 3, defendant No.1 along with defendants No.4 to 8 suffered a decree dated 28.07.1983 in respect of the suit property by admitting the claim of the plaintiffs therein.

4. The present plaintiff has laid challenge to the above said decree on the ground that the property in question was ancestral coparcenary property and, therefore, defendant No.1 had no authority to suffer any decree affecting his rights by birth. It is further the case of the plaintiff that the decree was not registered and hence did not confer any right or title upon defendants No.2 and 3. It has also been pleaded that the subsequent sale of the property by defendants No.2 and 3 in favour of defendants No.9 to 11 is illegal and not binding upon the plaintiff. On these premises, the suit for possession was filed.

5. The contesting defendants resisted the claim by asserting that the decree dated 28.07.1983 was based upon a prior family settlement arrived at between the parties in the year 1980 and was, therefore, valid and binding. It was further pleaded that the property was not ancestral in the hands of defendant No.1 but was his self-acquired property, and thus, he was competent to deal with the same.

6. The subsequent purchasers – defendants No. 9 & 10 claimed to be bona fide purchasers for valuable consideration, having purchased the property through registered sale deeds and having taken possession thereof.

7. Upon framing the issues and consideration of the pleadings & evidence led by the parties, the learned trial Court held that the property in dispute was not ancestral coparcenary property. It was further held that the subsequent purchasers were bona fide purchasers for valuable consideration and that the plaintiff was estopped by his own act and



conduct, particularly in view of the fact that a portion of the property had been purchased by his own mother. Consequently, the suit was dismissed. The learned First Appellate Court, upon reappreciation of the evidence, affirmed the findings of the trial Court and further held that the decree dated 28.07.1983 did not require registration, being based upon a family settlement.

8. Assailing the aforesaid concurrent findings, learned counsel for the appellant has vehemently contended that both the Courts below have erred in holding the property to be non-ancestral. It is further argued that the decree dated 28.07.1983, having the effect of transferring immovable property, required compulsory registration, and in the absence thereof, no title could pass to defendants No.2 and 3. It is submitted that once the decree is held to be invalid, the subsequent sale deeds would also fall to the ground.

9. *Per contra*, learned counsel for the respondents has supported the concurrent findings and has submitted that the decree in question was merely a recognition of a prior family settlement and did not create any new rights for the first time. It is further argued that the revenue record clearly establishes that the property was not ancestral and that the findings recorded by the Courts below are based upon proper appreciation of evidence and do not call for any interference.

10. Having heard learned counsel for the parties and upon perusal of the record, this Court finds no merit in the present appeal.

11. Insofar as the nature of the property is concerned, the First Appellate Court has elaborately examined the revenue record and has traced the lineage of the property. It has been found that though the property originally belonged to Wazir Singh, it ultimately came into the hands of Pakhar Singh (grandfather of Baldev) through Bholi, who had inherited the same from another branch of the family. Thus, the property did not descend through a direct line of male succession so as to retain the



character of ancestral coparcenary property. Rather, it came through a source which, in law, renders it to be the separate property of the holder.

12. Even the plaintiff, in his own testimony, admitted this line of succession. In such circumstances, the finding recorded by the Courts below that the property was not ancestral in the hands of defendant No.1 is based on cogent evidence and correct application of law, and no interference is warranted.

13. The next contention raised by the appellant pertains to the validity of the decree dated 28.07.1983 on the ground of non-registration. A perusal of the record reveals that the said decree was passed on the basis of admissions made by the defendants in that suit and that the claim itself was founded upon a prior family settlement arrived at between the parties in the year 1980.

14. It is well settled that a family settlement, if bona fide and intended to resolve disputes among family members, does not require registration. A decree passed in furtherance of such settlement, which merely recognizes pre-existing rights, is not compulsorily registrable. Registration is required only when the decree itself creates rights for the first time in immovable property. Reliance can be placed on decisions of Hon'ble Supreme Court rendered in ***Kale and others Vs. Deputy Director of Consolidation and others, 1976 AIR (Supreme Court) 807, Korukonda Chalapathi Rao and another Vs. Korukonda Annapurna Sampath Kumar, 2021(4) RCR (Civil) 433 and Ravinder Kaur Grewal and others Vs. Manjit Kaur and others, 2020 (3) RCR (Civil) 393*** and decisions of this Court rendered in ***Tarlok Chand Vs. Vijay Kumar, 1993(1) RRR 115 and Paramjit Singh Vs. Lakhwinder Kaur and another, 2022(2) PLR 22.***

15. In the present case, the decree in question was clearly declaratory in nature and merely acknowledged the rights flowing from the earlier settlement. Therefore, the contention of the appellant that the decree is invalid for want of registration is devoid of any merit.



16. Another significant aspect of the matter is that subsequent to the decree of 1983, defendants No.2 and 3 executed registered sale deeds in favour of defendants No.9 to 11. The evidence on record establishes that these purchasers were bona fide purchasers for valuable consideration. It is also noteworthy that one of the purchasers, namely defendant No.11, is the mother of the plaintiff, and defendant No.1 himself was an attesting witness to one of the sale deeds. These circumstances clearly indicate that the transactions were within the knowledge of the family, and the plaintiff, by his conduct, is estopped from challenging the same. The rights of bona fide purchasers, having acquired title through registered instruments, deserve protection.

17. It is also pertinent to note that the findings recorded by both the Courts below are concurrent findings of fact based upon appreciation of evidence. No perversity, illegality, or misreading of evidence has been pointed out so as to warrant interference by this Court in exercise of jurisdiction under Section 100 of the Code of Civil Procedure. No substantial question of law arises for consideration.

18. In view of the aforesaid discussion, this Court is of the considered opinion that the judgments and decrees passed by the Courts below are well reasoned and do not suffer from any legal infirmity. The conclusions arrived at are fully justified in law as well as on facts.

19. Accordingly, the present Regular Second Appeal, being devoid of merit, is hereby dismissed.

01.04.2026

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No