



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

112

CR-5999-2025

Date of decision:01.04.2026

RUPALI KAPILA

...PETITIONER

VERSUS

SHILPA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Jaskaran Singh, Advocate and
Ms. Gurpalak Kaur, Advocate
for petitioner.

PARMOD GOYAL, J. (ORAL)

Present revision petition under Article 227 of the Constitution of India has been preferred by petitioner who claims to be successor of original defendant No.1 Darshna Rani and has been impleaded subsequently as defendant, being aggrieved by dismissal of her application and that of defendant No.1-Darshna Rani under Order VII Rule 11 of Code of Civil Procedure, 1908 ('CPC'), whereby they had sought rejection of plaint preferred by plaintiff-respondent No.1-Shilpa.

2. It was the case of respondent No.1-plaintiff that she is owner of the suit property to the extent of half share on the basis of family settlement deed dated 16.08.2022. In her suit for declaration, mandatory injunction and consequential relief for permanent injunction, respondent No.1-plaintiff asserted that defendant No.1-Darshna Rani was real *Bua* of respondent No.1-plaintiff and her father was living with defendant No.1-Darshna Rani and has constructed part of suit property by using his money i.e.

Rs.5,00,000/-, which her father got by sale of his share in the house as well as shops situated at Patiala, Punjab. Since the part of suit property was constructed with the funds of her father, therefore, family settlement was duly agreed upon on 16.08.2022. It was asserted that respondent No.1-plaintiff was living along with her father in the suit property, her marriage was solemnized from said house and she got divorced on 06.06.2012. Thereafter, she had received an amount of Rs.2,50,000/- as permanent alimony which she handed over to defendant No.1-Darshna Rani, which was kept by defendant No.1-Darshna Rani in her saving account. It was asserted that another property was purchased with the funds provided by father of respondent No.1-plaintiff. Respondent No.1-plaintiff accordingly claimed 50% right in suit property as per settlement deed dated 16.08.2022.

3. Defendants had preferred application under Order VII Rule 11 of Code of Civil Procedure, 1908 for rejection of plaint on the ground that the alleged settlement deed dated 16.08.2022 is an un-registered deed and therefore, same cannot be gone into by the Courts.

4. On consideration, I do not find any merit in the contention raised on behalf of petitioner. The simple case of respondent No.1-plaintiff is that she is entitled to suit property by virtue of settlement deed dated 16.08.2022. The said settlement deed was required to be registered or not would be matter of evidence to be produced by both the parties. It is not the case of defendants that in all eventualities, settlement deed is liable to be rejected. An un-registered settlement deed containing recital of an oral settlement entered into between the parties on previous occasion, would be admissible in law without registration. Therefore, the nature of settlement

deed could only be determined by way of evidence and therefore at this stage none of the conditions envisaged under the provisions of Order VII Rule 11 of CPC is made out.

- 5. Present petition is accordingly dismissed.
- 6. Petitioner shall be free to take all possible defences including that there was no oral recital of the settlement.
- 7. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

01.04.2026
Sunil Chander

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No