



2026:PHHC:034163

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(i) RSA No.3913 of 2003 (O&M)

**Ranbir Singh @ Raghbir Singh
(since deceased) through LRs**

. . . Appellant

vs.

Kamla Devi

. . . . Respondent

*** * * * ***

(ii) RSA No.1227 of 2010 (O&M)

**Ranbir Singh @ Raghbir Singh
(since deceased) through LRs**

. . . Appellant

vs.

Chand Singh

. . . . Respondent

**Reserved on: February 25, 2026
Pronounced on: March 06, 2026
Pronounced fully/operative part : Fully**

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CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By:- Mr. Rajinder Goel, Advocate
for the appellant in RSA No.3913 of 2003.

Mr. Sanjay Mittal, Advocate
for the appellant in RSA No.1227 of 2010.

Mr. Aditya Yadav and Mr. Atul Bhardwaj, Advocates
for the respondent in RSA No.3913 of 2003.

Mr. Surinder Gandhi, Advocate
for the respondent in RSA No.1227 of 2010.

DEEPAK GUPTA, J.

These two Regular Second Appeals arise out of separate but factually interlinked disputes relating to succession to agricultural land measuring 95 kanal 10 marla situated in Village Balwari, Tehsil and District Rewari. Since both appeals involve interpretation of the scheme of



succession under Section 15 of the Hindu Succession Act, 1956 and the legal effect of compromise decrees purporting to transfer of immovable property, they are being decided by this common judgment.

2. The factual matrix as borne out from the record including trial court record available on DMS, is as under:

3. The plaintiff, Ranbir Singh @ Raghbir Singh, is in appeal in RSA No.3913 of 2003 against the concurrent findings of the Courts below dismissing his suit for declaration challenging a decree dated 06.03.1993 suffered by Smt. Chand Bai in favour of Kamla Devi. RSA No.1227 of 2010 arises from a similar challenge by the same plaintiff to a decree dated 05.06.1992 suffered by Smt. Sona Devi in favour of Chand Singh.

RSA No.3913 of 2003 :

4. So far as RSA No.3913 of 2003 is concerned, the undisputed facts are that Sanahi Singh was the owner of the land in dispute. Upon his death, the property devolved upon his sons Balla @ Balbir Singh, Ranbir Singh @ Raghbir Singh (plaintiff), Multan Singh, and Smt. Sona Devi widow of his predeceased son Mam Chand, each to the extent of one-fourth share. On the death of Multan Singh, his one-fourth share devolved upon his widow Smt. Chand Bai, vide mutation dated 17.11.1987. It is admitted that Multan Singh and Chand Bai were issueless.

5. During her lifetime, Smt. Chand Bai suffered a decree dated 06.03.1993 in favour of Kamla Devi. Mutation was sanctioned on the basis of that decree. Chand Bai died on 02.10.1994. The plaintiff, being the surviving brother of Multan Singh, instituted the present suit contending that upon the death of Chand Bai without issue, the property inherited by her from her husband must revert to the heirs of the husband in terms of Section 15(2)(b) of the Hindu Succession Act, 1956. He *inter alia* asserted that Kamla Devi was neither related nor adopted and that the decree in her favour, creating fresh rights in immovable property, required compulsory registration and, being unregistered, was void and inoperative.



6. The defendant Kamla Devi contested the suit on the plea that she had been brought up by Chand Bai and Multan Singh since childhood and was treated as their adopted daughter. However, neither in the pleadings nor in the evidence was there any assertion of a formal adoption ceremony. In her cross-examination, she admitted that no adoption ceremony had taken place.

7. The trial Court, on appreciation of evidence, dismissed the suit on 13.03.2001, holding that Chand Bai, being absolute owner, was competent to suffer the decree, and that the defendant was treated as adopted daughter. The First Appellate Court vide judgment dated 30.05.2003, while noticing absence of proof of adoption, nevertheless affirmed the decree on the reasoning that the defendant had been brought up by Chand Bai.

8.1 Shri Rajinder Goel, Learned counsel for the appellant–plaintiff assails the concurrent findings on the ground that although Smt. Chand Bai was the absolute owner of the property inherited from her husband, she admittedly died issueless. It is contended that there is neither any pleading nor any evidence to establish that the defendant–Kamla Devi was ever legally adopted by Chand Bai or her husband Multan Singh. Ld. Counsel emphasizes that Kamla Devi herself admitted in her testimony that no adoption ceremony had taken place. Mere upbringing by Chand Bai and Multan Singh, or the description of Kamla Devi as their daughter in a marriage invitation card, does not confer the legal status of an adopted daughter in the absence of compliance with statutory requirements.

8.2 It is further argued that Kamla Devi was not even remotely related to Chand Bai or Multan Singh, and had no legally recognizable claim to the estate. Invoking Section 15 of the Hindu Succession Act, learned counsel submits that upon the death of Chand Bai without issue, the property inherited from her husband must devolve upon the heirs of the husband. Since Multan Singh had predeceased her and the plaintiff is his only surviving brother, he alone is entitled to succeed. It is also contended that



the decree dated 06.03.1993, having been suffered in favour of a stranger without antecedent right, created fresh rights in immovable property and required compulsory registration and that in the absence of such registration, it conveyed no valid title. The appellant, therefore, seeks setting aside of the judgments and decrees of the Courts below and decreeing of the suit.

9. *Per contra*, learned counsel for the respondent–defendant submits that no interference is warranted in second appeal against concurrent findings of fact. It is argued that Kamla Devi had always been treated as the adopted daughter of Chand Bai and Multan Singh and that her marriage was performed by them, demonstrating their intention to treat her as their child. Ld. Counsel contends that in these circumstances, the decree dated 06.03.1993 cannot be invalidated merely on the ground of non-registration and that the Courts below rightly upheld its validity. Dismissal of the appeal is accordingly prayed for.

10. Upon consideration, this Court finds that the approach adopted by the Courts below is legally unsustainable.

11. The scheme of Section 15 of the Hindu Succession Act is explicit. Sub-section (1) lays down the general order of succession in the case of female Hindu dying intestate. However, sub-section (2)(b) carves out a specific exception, providing that property inherited by a female Hindu from her husband shall devolve, in the absence of any son or daughter, upon the heirs of the husband.

12. Hon'ble Supreme Court in ***Bhagat Ram (Dead) by LRs v. Teja Singh (Dead) by LRs, (2002) 1 SCC 210***, clearly held that property inherited by a widow from her husband reverts to the heirs of the husband, if she dies issueless. The same principle was reiterated in ***Omprakash and others v. Radhacharan and others, (2009) 15 SCC 66***, where the Court emphasised that Section 15(2) overrides the general rule in Section 15(1) in cases, where property is traceable to the husband.



13. In the present case, it is undisputed that Chand Bai inherited the property from her husband Multan Singh and died without issue. Therefore, the estate must devolve upon the heirs of Multan Singh. The plaintiff, being his surviving brother, clearly falls within that category.

14. The plea of adoption taken by the defendant is wholly untenable. Adoption under Hindu law must satisfy the mandatory requirements of the Hindu Adoptions and Maintenance Act, 1956. It is the consistent position of law that adoption must be strictly proved, including the essential ceremony of giving and taking. In the absence of such proof, no legal status of adopted child can be inferred merely from conduct or affection. The admission of the defendant that no adoption ceremony took place is fatal to her plea.

15. The next and crucial question concerns the validity of the decree dated 06.03.1993. It is well settled that a compromise decree creating fresh rights in immovable property in favour of a person, who had no antecedent or pre-existing right requires compulsory registration. In ***Bhoop Singh v. Ram Singh Major, (1995) 5 SCC 709***, Hon'ble Supreme Court held that where a decree is not based upon pre-existing rights but itself creates rights in immovable property, registration under Section 17 of the Registration Act, 1908 is mandatory. The exception carved out in ***Kale and others v. Deputy Director of Consolidation and others, (1976) 3 SCC 119***, applies only to bona fide family settlements between persons having antecedent title or even a possible claim.

16. In the present case, Kamla Devi had neither a pre-existing right nor even a remote chance of succession. She was admittedly unrelated to Chand Bai or her husband Multan Singh, and not adopted. The decree in her favour was not in recognition of any antecedent claim but was a transfer of property to a stranger. Such a decree required compulsory registration. In the absence of registration, it does not confer title.



19. Consequently, it is held that the concurrent findings of the Courts below suffer from misapplication of statutory provisions and binding precedents. The decree dated 06.03.1993 and the mutation sanctioned on its basis cannot stand. The plaintiff, being heir of Multan Singh under Section 15(2)(b) of the Hindu Succession Act, 1956, is entitled to succeed to the one-fourth share of Chand Bai. Since he already held one-fourth share in his own right, he becomes owner to the extent of one-half share in the total holding.

17. Accordingly, RSA No.3913 of 2003 is allowed. The judgments and decrees of the Courts below are set aside and the suit of the plaintiff is decreed.

RSA No.1227 of 2010 :

18. Turning now to RSA No.1227 of 2010, a material and decisive factual distinction arises in the present appeal. This appeal concerns the one-fourth share inherited by Smt. Sona Devi widow of Mam Chand. During her lifetime, she suffered a decree dated 05.06.1992 in favour of Chand Singh. Upon her death, the plaintiff challenged that decree on grounds similar to those urged in the earlier appeal.

19. In RSA No.3913 of 2003, the beneficiary of the impugned decree, Kamla Devi, was admittedly a stranger to Smt. Chand Bai and had no blood relation or legally recognizable nexus with her or her husband. In contrast, in the present case, i.e., RSA No.1227 of 2010, the defendant Chand Singh is the real nephew of Smt. Sona Devi. This relationship is evident from the judgment & decree dated 05.06.1992 (Exs. P-6 and P-7), and during the course of arguments before this Court, learned counsel for the appellant fairly conceded that Chand Singh is indeed the nephew of Smt. Sona Devi.

20. Once this factual position is accepted, the legal consequence follows. Being a close collateral relative of Smt. Sona Devi, Chand Singh had at least a remote but legally recognizable chance of succession to the estate of Smt. Sona Devi under Section 15 of the Hindu Succession Act, 1956. Where a person has such a possible or contingent claim to succession, a settlement



or arrangement entered into with such a family member partakes the character of a family settlement.

21. It is well settled that a bona fide family arrangement between persons having antecedent or even a possible claim to the property does not require compulsory registration merely because it results in recognition or adjustment of rights. Therefore, the decree suffered by Smt. Sona Devi in favour of Chand Singh cannot be invalidated on the ground of non-registration, as it was in favour of a person possessing a legitimate and recognizable nexus to the estate.

22. In *Kale v. Deputy Director of Consolidation (supra)*, the Supreme Court held that a family settlement between persons having even a possible claim to the property is valid and need not be registered, if it recognises antecedent rights. The principle has also been followed by this court in *Shakuntala Yadav v. Yadvinder Singh, 1998(3) RCR (Civil) 395*.

23. It is thus clear that unlike the earlier case (RSA 3919-2003), where the beneficiary was a stranger, Chand Singh possessed a remote but legitimate succession possibility. The decree in his favour can reasonably be construed as part of a family arrangement. In such circumstances, the requirement of compulsory registration does not arise.

24. The Courts below, therefore, committed no legal error in upholding that decree dated 5.6.1992 in favour of Chand Singh. RSA No.1227 of 2010 is accordingly dismissed.

25. In the result, RSA No.3913 of 2003 is allowed; and RSA No.1227 of 2010 is dismissed. A copy of this judgment be placed on the connected file.

March 06, 2026
Sarita

(DEEPAK GUPTA)
JUDGE

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

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