

**CWP-402-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(104)****CWP-402-2025****Date of Decision : January 13, 2025****Jagsir Singh****.. Petitioner****Versus****Appellate Tribunal-cum- District Magistrate, Sangrur and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI****Present: Mr. Siddharth Gupta, Advocate, for the petitioner.****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the grievance being raised by the petitioner is that the petitioner was defrauded by respondents No. 3 and 5 as his signatures were misused for setting aside the transfer deed No.3554 dated 02.03.2016 which was registered in his favour by the respondents.

2. Learned counsel for the petitioner submits that a fraud has been played on the petitioner as his signatures have been misused so as to set aside the said transfer deed and the Tribunal as well as the Appellate Authority failed to notice the same.

3. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.



4. The finding recorded by the Tribunal in the order is as under:

“ The respondent after coming present before the Court on dated 23.02.2021 got reduced his statement into writing that Harbans Kaur is his mother, Gian Singh and Kiranpreet Kaur are his real sister brother. He will not harass them. That deed No.3554, dated 02.03.2016 which the applicants have got registered in his favour, has got no objection in setting aside of the same. He has been making this statement of his own free will and without any pressure. If he will not remain bound by his given statement, then appropriate action may be taken against him.

Now when the respondent himself has since made statement that he has got no objection in setting aside of the transfer of ownership No.3554, dated 02.03.2016, then in accordance with the statement, the deed of transfer of ownership No.3554, dated 02.03.2016, is hereby set aside. The file after due compliance may be consigned to the record room. The order has been pronounced.”

5. A bare perusal of the above would show that the petitioner, who was the respondent in the case before the Tribunal, appeared before the Tribunal and got his statement recorded on the basis of which, the order was passed. The argument that the signatures of the petitioner have been forged so as to record a compromise, cannot be accepted by this Court as nothing stopped the petitioner who was respondent in the above mentioned case from appearing before the Tribunal and getting his statement recorded to counter the fact that he has not entered into the compromise for setting aside the transfer deed No.3554 dated 02.03.2016. In case, his signatures were obtained by fraud, the said argument should have been raised by the petitioner (respondent therein) before the Tribunal. Rather, the petitioner

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accepted the said mutual agreement to get the transfer deed No.3554 dated 02.03.2016 set aside by Tribunal by showing mutual consent.

6. Qua the argument that the brother and sister were not entitled to file an application under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, it may be noticed that the mother was eligible to file the said application. There was no separate ownership of the land left by the father of the petitioner and the same only devolved upon the legal heirs by the way of succession. The legal heirs initially decided to partition the land as per the petitioner, and he has also relinquished his share in favour of respondent No.4 by way of Annexure P-1.

7. Once, the transfer deed Annexure P-2 was mutually set aside, which fact was accepted by the Tribunal, no appeal can be filed or the grievance can be raised by the petitioner. In case, the petitioner is aggrieved by the fact that he had also transferred certain land in favour of his brother as per their settlement terms, nothing stops him to avail appropriate remedy for getting his share of land back in case the petitioner is in any way entitled to do the same under the relevant provisions of law.

8. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Accordingly, the writ petition is dismissed.

January 13, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No