IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision:-04.11.2015

(1) RSA No.1893 of 1989

Chakkan Lal (deceased) through LRs .....Appellants

Versus

Smt. Ram Piari and others

.....Respondents

(2) RSA No.1894 of 1989

Chakkan Lal (deceased) through LRs .....Appellants

Versus

Smt. Ram Piari and others

.....Respondents

(3) RSA No.1895 of 1989

Chakkan Lal (deceased) through LRs .....Appellants

Versus

Smt. Ram Piari and others

.....Respondents

(4) RSA No.1902 of 1989

Chakkan Lal (deceased) through LRs .....Appellants

Versus

Smt. Ram Piari and others

.....Respondents

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.

Present:- None.

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SATISH KUMAR MITTAL, J.(Oral)

All these four regular second appeals have been filed by plaintiff- Chakkan Lal son of Hem Raj, against the judgment and

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decree dated 9.3.1989 passed by both the Courts below whereby the suit with regard to different properties owned by his father Hem Raj, was dismissed.

Briefly, it is the case of the plaintiff that his father Hem Raj was allotted the land measuring 92 kanals 7 marlas situated in village Jhamwas, Tehsil Nuh, District Gurgaon and a plot bearing No.95/2, measuring 319 square yards situated in village Jhamwas, as a migrant from Pakistan. According to the plaintiff, they are five brothers and his father Hem Raj gifted away the aforesaid land in favour of his three sons namely Vas Dev, Dev Raj and Krishan Lal vide gift deed dated 3.8.1967. The plaintiff had challenged the said gift deed on the ground that the plaintiff along with his brothers and father constituted a Joint Hindu Family. The property which was allotted to his father was ancestral property in his hand and his father Hem Raj was not competent to alienate the same except on the ground of legal necessity and for consideration. It was also the case of the plaintiff that after his three brothers became owner under the aforesaid gift deed, they had sold part of their land to the other defendants, who had also instituted the suit on the ground that they were bonafide purchasers.

The suit of the plaintiff was dismissed and a finding was recorded by the trial Court on issue No.1 that the suit property is not the ancestral property of the plaintiff, though the parties are members of Joint Hindu family and are governed by the custom. The gift deed was held to be valid as Hem Raj was fully competent to alienate the suit land being the sole owner. The subsequent

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purchasers are held to be bonafide purchasers.

In four appeals filed by the plaintiff which were disposed of vide a common order, the aforesaid finding of fact has been affirmed.

It appears that in the present case, the suit of the plaintiff has been dismissed on the basis of pure finding of fact and no substantial question of law arises in these appeals. But today nobody is appearing on behalf of either of the parties.

Earlier also, the case was dismissed for non-prosecution on 22.5.2014, but on an application filed by the appellant, it was restored on 9.10.2014.

Inspite of that none has put in appearance and it appears that the appellants are not interested to pursue their appeals.

Dismissed for non-prosecution.

(SATISH KUMAR MITTAL)
JUDGE

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