

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

RSA No.2201 of 1994 (O&M)

Date of Decision: November 04, 2015

Banta Singh and another

.... Appellants

vs.

Surinder Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Peeush Gagneja, Advocate for the appellants.

Mr. Prem Nath Aggarwal, Advocate for the respondents.

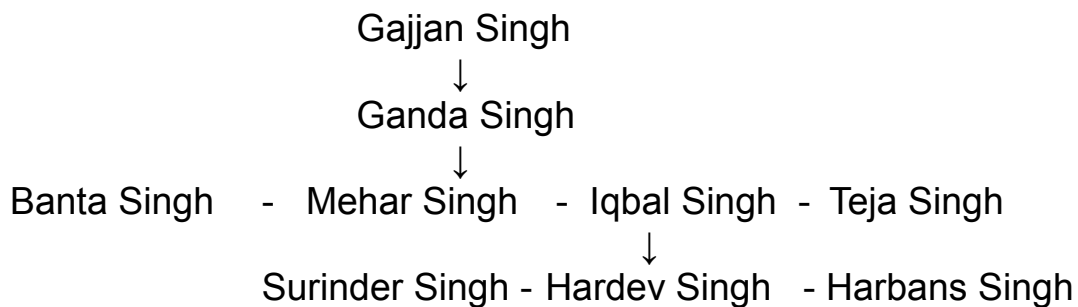
1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 07.04.1994 passed by learned Addl. District Judge, Ferozepur, whereby the judgment and decree dated 07.12.1992 passed by learned Sub Judge 2nd Class, Fazilka was reversed.

The plaintiffs-appellants had filed a suit for declaration to the effect that the judgment and decree dated 18.02.1986 passed in Civil Suit No.3-1 of 1986 is illegal and void. It is claimed that the suit property was joint Hindu property and the parties were joint owners.

Relationship between the parties is reproduced as under:



The defendant Nos.1 to 4 claimed that the suit property was self acquired property of Ganda Singh and they have every right to alienate the same in the manner they like. The lower court decreed the suit. The said judgment and decree was reversed in appeal by the first appellate court.

I have heard learned counsel for the appellants and have also carefully gone through the case file.

It comes out that the decree was suffered by Ganda Singh in favour of his grandsons Surinder Singh, Hardev Singh and Harbans Singh sons of Iqbal Singh.

In the suit, the claim of the plaintiffs-appellants is that it is a joint Hindu family property. It was never claimed that it was ancestral property qua the plaintiffs-appellants. In order to prove their contribution towards the purchase of the disputed property, it was claimed by them that the disputed property was purchased by Ganda Singh and Dhan Kaur, father and mother of the plaintiffs-appellants from one Shiv Dayal for ₹12,500/- vide sale deed EX.P-4. It also comes out that the property was earlier mortgaged with Banta Singh, plaintiff-appellant for ₹2,000/- vide mortgage deed Ex.P1. In the sale deed, it was mentioned that the said money will be retained as

amanat for the payment to plaintiff Banta Singh. There is no evidence that the plaintiffs-appellants have contributed in the purchase of the suit property from Shiv Dayal by his father and mother. Total land measuring 69 kanals 14 marlas was purchased. Out of which, 34 kanals, 17 marlas were transferred by Ganda Singh in favour of his grandsons.

Learned counsel for the appellants has produced substantial question of law as reproduced in CM No.13687-C of 2015.

However, I am of the view that the said issues are purely questions of facts. The plaintiff had failed to prove that the suit property was purchased from the joint family funds. The findings of facts have been recorded by learned Addl. District Judge, Ferozepur. Therefore, there is no illegality or infirmity in the impugned order.

Accordingly, the present regular second appeal stands dismissed.

November 04, 2015
sarita

(KULDIP SINGH)
JUDGE