

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

RSA No.3340 of 2011 (O&M)

Date of decision : 14.09.2015

Angrejo Devi

...Appellant

Versus

Baljeet Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Ms. Kiran Bala Jain, Advocate for the appellant.

Mr. S.S. Dinarpur, Advocate for respondent Nos.1 and 2.

Mr. B.K. Saini, Advocate for respondent No.3.

AMIT RAWAL, J. (Oral)

Challenge in the present appeal is to the findings rendered by the Courts below, whereby suit for declaration challenging the relinquishment deed dated 23.08.2001 on the premise that property at the hands of Sher Singh, her father was ancestral, has been dismissed.

Ms. Kiran Bala Jain, learned counsel appearing on behalf of plaintiff submits that as per the averments made in the suit, the property in dispute at the hands of Sher Singh was ancestral, though, this fact was denied by defendants in the written statement but in cross-examination, the

defendants admitted the nature and character of the property to be ancestral and, therefore, the Courts below have rendered findings that nature of the property was ancestral and yet declined the relief on the premise that such findings is totally illegal and perverse.

She further submits that even relinquishment deed did not have a requisite stamp duty and, therefore, it was wanting from the deficiency of the stamp duty, thus, it cannot be read as relinquished deed in the eyes of law, accordingly appeal involves substantial question of law.

Mr. S.S. Dinarpur, learned counsel appearing on behalf of respondents-defendants submits that no documentary evidence has been placed on record to show, that property at the hands of Sher Singh was ancestral, whereas during evidence, raised a plea that property was not ancestral.

I have heard learned counsel for parties and appraised the paper book.

The record of the trial Court reveals that appellant-plaintiff had not led any evidence to show that property at the hands of Sher Singh was ancestral, in essence, there is no reply to provision of paragraph No.223 of Mulla Act. It has to be established on the record that property at the hands of Sher Singh devolved from three generations. Jamabandi for the year 1999-2000 Ex.P4 reveals that property was entered into the name of Sher Singh s/o Chajju Ram. Even the mutation Ex.P3 does not reflects the property at the hands of Sher Singh was ancestral. No excerpts, much less, Kursi nama has been produced on record. Be that as it may. Even otherwise, the amendment caused in Section 6 of the Hindu Succession Act was made

effective from September 2005, whereas civil suit filed on 24.09.2001. At that relevant point of time, daughter could not claim right by birth in the share of the property of the deceased, who was holding the property being ancestral in nature.

I do not find any illegality and perversity in the concurrent findings of the fact as both the Courts below have rendered findings of fact and law based on the appreciation of oral and documentary evidence, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, present appeal is dismissed.

14.09.2015

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**(AMIT RAWAL)
JUDGE**