

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

RSA No.2306 of 2012 (O&M)

Date of decision : 05.11.2015

Harvinder and ors.

...Appellants

Versus

Nand Kishan and ors. (deceased through LRs)

...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: Mr. P.L. Verma, Advocate for the appellants.

Mr. C.B. Goel, Advocate for respondents.

AMIT RAWAL, J. (Oral)

CM No.13529-C of 2015

Prayer in the application is for restoration of the appeal.

For the reasons stated in the application, application is allowed.

Appeal is restored to its original number and is taken on main board.

Main Case

Challenge in the present appeal is to the concurrent findings of facts, whereby suit for declaration that plaintiffs are having the share in the

property by birth as the property at the hands of Chander and Ram Charan was ancestral and, therefore, it could not be sold to defendant No.1-Nand Kishan, has been dismissed.

Though the appellants-plaintiff has placed on record jamabandi to show that property has fallen from Sabar Singh, but the fact remains that holding of the said land was only 17.8 marlas whereas sale deed dated 11.04.1994 is in respect of 44 kanals, which has been proved on the record that said land, was self-acquired property and it was not from the same very piece of land which was fallen to the defendant Nos.2 and 3 from ancestors. Thus, the claim of the appellant-plaintiff challenging the sale deed on the ground that he had right in the property by birth was found not to be genuine. No other point is urged or any document, shown or referred to the nature of property sold, is ancestral property.

I do not intend to differ with the findings rendered by the Courts below and it is a matter of fact that the sale deed in respect of land is far excess than the one which has fallen from Sabar Singh. It is a settled law that self-acquired property until and unless does not put into hotch potch, cannot assume the character and nature of the ancestral.

I do not intend to differ with the findings rendered by the Courts below based upon oral and documentary evidence, much less, no substantial question of law arises for determination.

Accordingly, appeal is dismissed.

05.11.2015

pawan

**(AMIT RAWAL)
JUDGE**