

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

RSA No. 3062 of 2012 (O&M)

Date of decision : 16.10.2015

Lahmber Singh and another

... Appellants

versus

Bakshish Singh and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Rajiv Joshi, Advocate, for the appellants.

Rajesh Bindal, J.

The plaintiffs are before this Court against the concurrent findings of fact recorded by both the Courts below whereby the suit filed by them for joint possession of land measuring 11 kanals 5 marlas and taur measuring 3½ marlas, was dismissed. Even challenge to sale-deed dated 2.11.2001 registered by defendant no.1 through defendant no.2 in favour of defendant no.3/ respondent no.3, was also rejected. The suit was filed on 27.8.2004. The appellants are sons of respondent no.1.

The suit was filed claiming that the property being ancestral, the appellants-plaintiffs have a right in that and the sale-deed executed by respondent no.1 in favour of respondent no.3 deserves to be set aside. Both the Courts below found that the appellants have not been able to make out a case that the property in question was ancestral. No doubt the appellants produced old jamabandis on record, but the same were in Urdu and Translated copies of the record in Urdu were not produced. Even if the jamabandis being old are per se admissible in evidence, but still the excerpts thereof were required to be produced to show the ancestral nature of the property linking specific khasra numbers. Excerpts showing the pedigree table were not produced. Without the excerpts, the jamabandis regarding the previous owner of the property in dispute being on record, the Court could not link the same. Further the court has also noticed that in the jamabandis

produced on record, there are number of entries regarding mutation and partition. From mutation, partition and inheritance and sale of properties, it was difficult to link the pedigree.

The learned Court below further found that the some part of the property was transferred by respondent no.1, in favour of appellant no.2/ plaintiff Joga Singh, who sold the same to Lahmber Singh- appellant no.1, but at that time no objection was raised that the property was ancestral. Nothing was produced on record by the appellants to show that even if the property was ancestral, there was no legal necessity as the sale was sought to be challenged by them.

Considering the material on record, in my opinion, no illegality has been committed by the learned Courts below in dismissing the suit filed by the appellants.

No substantial question of law arises. The appeal is accordingly dismissed. Consequently, the applications are also dismissed.

16.10.2015
vs

(Rajesh Bindal)
Judge