

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

RSA No.601 of 2012 (O&M)

Date of decision: 21.7.2015

Sukha Singh

..... Appellant

Versus

Harbhajan Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. B.D. Sharma, Advocate, for the appellant.

RAJESH BINDAL, J

The plaintiff having failed in both the courts below has filed the present appeal. The suit was filed by him for declaration claiming that he is co-sharer to the extent of 2/3rd share in the property in dispute. Both the courts below finding no merit in the claim, dismissed the suit.

The dispute in the present case pertains to estate of Surjan Singh father of the plaintiff, husband of defendant No.3, father of defendants No.4 to 6. Appellant/plaintiff claimed that his father never sold any land to defendants No.1 and 2. However, the vendees proved on record the sale deed dated 6.12.1984 executed by Jassa Singh in their favour, who had purchased the suit land vide sale deed dated 7.9.1977 from Surjan Singh. In terms of the aforesaid sale deed initially Jassa Singh and later on defendants No.1 and 2 had become absolute owner of the suit property. Merely because in the Will executed by Surjan Singh on 16.6.1997, the property in dispute was mentioned, is of no consequence, as the same had already been sold by him about 20 years prior thereto. Challenge to the sale deeds after 20 years was highly belated. Jassa Singh, in whose favour first sale deed was got registered by Surjan Singh on 7.9.1977, was not even party to the litigation.

With the aforesaid material on record, in my opinion, no illegality has been committed by the learned courts below in dismissing the suit filed by the appellant. No substantial question of law arises. The appeal is accordingly dismissed.

**(RAJESH BINDAL)
JUDGE**

21.7.2015

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