

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.454 of 2013 (O&M)
Date of Decision.14.08.2015

Smt. Suresh and others

.....Appellants

Versus

Kartar Singh and others

.....Respondents

Present: Mr. Ashwani Gaur, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The plaintiffs' suit was a challenge to a transaction of sale by his father 6th defendant to defendant Nos.1 to 5. The plaintiffs' contention was that the father as family manager was not competent to execute the sale in respect of property otherwise than for family necessity. The basis of the plea was that the properties were ancestral in character. The defence was that the 6th defendant was the separate owner of the property and he had every competence to sell and the plaintiff cannot impeach the sale. In defence it was brought out in record that the mutation had been made in favour of the father by reference to a Will which the grandfather had returned in favour of the father. If a property has come through the instrument of Will, the character of property shall be taken as separate and if he sold the property, the plaintiff cannot impeach the same. I do not find that there is any error in the judgments of the Court below declining the

relief in favour of the plaintiff. I find nothing substantial for interference in the second appeal.

2. The second appeal is dismissed.

(K. KANNAN)
JUDGE

August 14, 2015
Pankaj*