

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

**Regular Second Appeal No.4692 of 2013 (O&M)
Date of Decision: January 29, 2015.**

Amanpreet Singh Sandhu and another

.....APPELLANT(s).

VERSUS

Ranbir Singh Sandhu and another

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gulzar Mohd., Advocate
for the appellant (s).

SURINDER GUPTA, J.(Oral)

Appellants-plaintiffs filed suit seeking the relief of declaration that they are the owners of the suit land measuring 78 kanals 13 marlas as dully described in the head note of the plaint, alleging that it is joint Hindu family coparcenary property. They also sought the relief of injunction to restrain defendant No.1 from alienating the suit land more than his share.

Defendants were proceeded ex parte before Civil Judge (Junior Division), Nakodar. However, on the basis of evidence on record, the suit was dismissed with the observations in para 9 of the judgment as follows:-

“9. That whole of the case of the plaintiffs rests upon the fact that the suit property measuring 78 kanals 13 marlas alongwith house is coparcenary property, in which they alongwith defendant No.1 who is their father have equal share i.e. 1/3 share. In order to prove it to be a coparcenary property, the plaintiffs have to prove the ownership in the suit land in the names

of their father, grand father and great grand father i.e. Up till three degrees in the descending order. The plaintiffs have brought on record jamabandi of the suit land as Ex.P2 as per which the suit land is shown to be in the ownership of defendant No.1 along with his three other brothers, who have inherited the same from their father Milkha Singh. That as per jamabandi for the year 1999-2000 Ex.P1, the grand father of the plaintiffs is shown as owner and in possession over the suit land. In order to prove the suit land is the coparcenary property, the plaintiffs have to prove the ownership of their great grand father i.e. father of the Milkha Singh, but there is no evidence on record to prove the same.”

Not satisfied, the appellants-plaintiffs preferred first appeal before Additional District Judge, Jalandhar, which was also dismissed.

On perusal of judgment of both the Courts below, I find that appellants have failed to discharge the onus placed on them to prove that suit property is joint Hindu family coparcenary property. They have not led any evidence to connect the suit property with the property in the hands of their ancestors before consolidation.

On perusal of the paper book and judgments of the Courts below, I find no factual or legal infirmity therein, calling for any interference.

No substantial question of law requiring determination arises in this appeal, which has no merits. Dismissed.

January 29, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE