

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 1673 of 2015 (O&M)
Date of decision: 7.7.2015

Nachhatar Singh

.. Appellant

v.

Gurdev Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Akshay Jain, Advocate for the appellant.

...

Rajesh Bindal J.

The plaintiff is before this court impugning concurrent findings of fact recorded by both the courts below, whereby the suit filed by him for declaration claiming ownership of 1/6th share in the suit property, was dismissed.

The appellant filed the suit against Gurdev Singh, his father, claiming that he is owner to the extent of 1/6th share in 144 kanals 3 marlas, which was inherited by his father, i.e., the respondent, from appellant's grand-father. The suit was dismissed by the trial court. The judgment and decree were upheld in appeal.

Both the courts below found that the appellant-plaintiff had not been able to establish by leading any documentary evidence on record showing that the land in question was ancestral. Rather, the respondent had proved on record that the appellant had assaulted him. Once there is no documentary evidence produced on record by the appellant showing that the land was ancestral, the learned courts below have not committed any error in dismissing the suit filed by the appellant.

No substantial question of law arises in the present appeal. The same is, accordingly, dismissed. Consequently, the accompanying application is also dismissed.

(Rajesh Bindal)
Judge

7.7.2015
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