

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

**RSA NO. 1730 of 2015(O&M)
Date of decision: 20.11.2015**

Raghibir Singh

.....Appellant

versus

Arvind Rai and others

.....Respondents

Coram: Hon'ble Mr. Justice K.Kannan

**Present: Mr. Kuldip Sanwal, Advocate
for the appellant.**

K.Kannan, J.(Oral)

CM No. 4726-C of 2015

This is an application filed under Section 151 CPC seeking condonation of delay in re-filing the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 273 days in re-filing the appeal is condoned.

The application stands disposed of.

RSA No. 1730 of 2015

The plaintiff who sought to contend that the sale brought by his brother in favour of the 11th defendant was not valid and that he himself was heir at law alongwith the defendants 1 to 10 through their father Nek Chand, failed to prove the ownership of Nek Chand in the property. The Court found that there was no proof of the oral assertion that the property belonged to the father. There was nothing to show that the plaintiff ever enjoyed the property as even the co-owner with the defendants. He was not admittedly

living in the property which he claimed and had gone away from the village. The Court therefore, dismissed the suit and the appellate court confirmed the same.

Learned counsel states that he has now secured documentary evidence of receipts issued by the Lambardar for collection of revenue for the house. I can not allow for a documentary evidence to be brought which is so vague that contains no reference to the house property. It is not possible to make any correlation of the receipt to the suit property claimed by the plaintiff as the property held by the father. It merely makes a reference to land revenue payable as Rabi Crop and it is not possible to infer from this document that it is of any relevance to a house property.

There is no scope for intervention of judgments of the courts below. The second appeal is dismissed.

20th November, 2015

Shivani Kaushik

**[K.KANNAN]
Judge**