

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A. No. 2819 of 2015

Date of decision : October 05, 2015.

Satpal Singh and others

... Appellants

vs.

Babu Ram and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashokk Kumar Khubbar, Advocate
for the appellants.

Surinder Gupta, J

The appellants filed suit seeking declaration that they are owners in possession 4/6th share of suit land bearing khasra No.518/2/1 khatauni No.3, khewat no.2 situated in village Marupur, along with similar share in tractor bearing no.HYQ-7662.

The defendant Babu Ram is the father of plaintiffs. The plaintiffs claimed that suit land was the ancestral property. The dispute arose between plaintiff and defendant and family settlement took place under which 4/6th share of suit land was given to plaintiffs and 1/6th share was retained by defendant. The remaining 1/6th share was given to Yashpal another son of defendant. Similar share were allowed to plaintiffs in the tractor bearing no.HYQ-7662.

Learned Civil Judge (Jr. Division), Yamuna Nagar at Jagadhri dismissed the suit filed by plaintiffs with the observations that the plaintiffs failed to prove family settlement. They have also not deposed regarding date, month and year of family settlement. It was alleged that the family settlement had taken place in the presence of village Sarpanch, Lamberdar

and other family members, but no Sarpanch or Lamberdar was examined.

The appeal filed by plaintiffs also met the same fate.

I have heard learned counsel for appellants and perused the paper book.

The suit land/property is owned by defendant-respondent who is father of plaintiffs. Though the plaintiffs claimed suit land to be ancestral property yet they failed to produced any evidence in this regard. The plea of family settlement raised by them was not supported by any documentary evidence. No such family arrangement was ever reported to the revenue authorities.

In view of above facts, the courts below have committed no error while dismissing the suit of plaintiffs.

No substantial question of law requiring determination arises in this appeal which has no merits and is dismissed.

October 05, 2015

deepak

(Surinder Gupta)
Judge