

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

RSA No.2987 of 2015 (O&M)

Date of decision: 29.09.2015

Ram Chander

... Appellant

Vs.

Smt. Shanti Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Namit Gautam, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

Challenge in the present appeal is to the concurrent finding of facts and law, whereby, the suit for declaration and permanent injunction filed at the instance of the appellant-plaintiff, has been dismissed by both the Courts below.

Mr. Namit Gautam, learned counsel appearing on behalf of the appellant-plaintiff submits that both the Courts below have committed illegality and perversity in dismissing the suit, inasmuch as there is umpteen number of documents to show ownership.

I have heard learned counsel for the appellant-plaintiff and appraised the impugned judgments and decrees of the Courts below.

It is settled proposition of law that appellant-plaintiff has to

stand on his own legs. From the perusal of the order dated 06.06.1969, passed by the Assistant Collector Grade I, Fazilka and mutation bearing No.115, it is evident that property in dispute had already been partitioned and the same has been upheld up to the level of Financial Commissioner, Punjab, Chandigarh. The plaintiff had sought the restraint order against respondents No.1 to 12 from alienating the land measuring 60 kanals 11 marlas, in favour of third party and, as well as, restraint order against defendant No.1 from claiming any recovery on the basis of the ownership. The documents brought on record show that plaintiff was not owner of the property for which declaration was sought. Since the revenue Court had already upheld the partition proceedings, the property at the instance of the plaintiff was not ancestral and therefore, being self acquired property could legally be parted by the owner. The property has been transferred in favour of a person, who is none else but sister the appellant's father (*Bua*).

Both the Courts below have rendered a finding of fact and law based on appreciation of oral and documentary evidence. No substantial question of law arises for determination of this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

September 29, 2015
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