

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

RSA No.1699 of 2014 (O&M)

Date of Decision: September 30, 2015

Pardeep Singh and another

.... Appellants

vs.

Satyawan and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. C.B. Goel, Advocate for the appellants.

Mr. S.S. Kharb, Advocate for respondent No.2.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 11.03.2014 passed by learned Addl. District Judge, Jind, affirming the judgment and decree dated 02.06.2012 passed by learned Civil Judge (Jr. Divn.), Safidon, vide which the suit of the plaintiff was dismissed.

In nutshell, the controversy is that the plaintiffs-appellants, who are sons of Satyawan-defendant No.1 had challenged the sale deed No.1122, dated 29.09.2006 executed by their father in favour of defendant No.2 on the ground that the suit property was ancestral property and that sale deed is without legal necessity, without consideration and is a result of fraud, misrepresentation and coercion.

Defendant No.2, predecessor-in-interest defend the sale deed on the ground that the suit property is not ancestral,

coparcenary and Joint Hindu Family property. The fraud etc. were also denied.

Needless to say that Satyawan, vendor did not appear before the lower court and was proceeded against ex parte.

Both the courts below held that the plaintiffs had failed to prove that the suit property is ancestral. The other ground of want of legal necessity, consideration and fraud are also repelled.

I have heard learned counsel for the parties and have also carefully gone through the case file.

A perusal of the judgments of both the courts below shows that it was held on the basis of documentary evidence that the suit property is not ancestral qua the plaintiffs. Therefore, the plaintiffs cannot challenge the sale deed on the ground that it is without legal necessity. Want of consideration, fraud, misrepresentation and coercion are the grounds, which are available to the vendor not to the plaintiffs. The lower court has rightly observed that the plaintiffs and their father (defendant No.1) have colluded to defeat the rights of defendant No.2-vendor. There are concurrent findings of facts recorded by both the courts below. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

September 30, 2015
sarita

(KULDIP SINGH)
JUDGE