

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

RSA No. 2602 of 2014 (O&M)

Date of decision : 11.5.2015

Devender and another ... Appellants
VS
Ram Kanwar and another ... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ashish Gupta, Advocate for
Mr. Vikram Singh, Advocate, for the appellants.

Rajesh Bindal, J.

Having failed in both the Courts below, the plaintiffs are before this Court impugning the judgments and decrees whereby the suit for declaration and permanent injunction filed by them claiming ownership of the suit property and challenging the sale-deed dated 6.12.1993, was dismissed.

In the case in hand, the appellants-plaintiffs filed the suit on 20.12.2004 impugning the sale-deed dated 6.12.1993 got registered by father of the appellants in favour of Ram Kanwar- respondent no. 1, claiming that the property being joint Hindu family, father of the appellants could not dispose of the same without any legal necessity, hence, the sale being bad deserves to be set aside. However, both the Courts below found that the appellants and their father had been living together in the same house. Though the sale-deed was registered on 6.12.1993, but the suit was filed more than 10 years thereafter on 20.12.2004 apparently with a view to extract more money. In support of the plea that the property was ancestral, no evidence was led by the appellants, rather the plaintiffs' witnesses admitted that the suit property was purchased by father of the appellants from his own funds. It was further admitted by them in their testimony that marriage of brothers and sisters of the appellants was solemnised in the year 1993-94 when the property in question was sold by father of the

appellants to respondent no. 1. The connivance of the appellants with their father was established from the fact that in his cross-examination, appellant no. 1 admitted that he had come to the Court along with his father. He further admitted that his uncle had instigated the plaintiffs/appellants to file the suit, as according to him, the land was sold for a meager sale consideration. With this material on record and there being no material produced to prove that the property was ancestral, in my opinion, the Courts below have not committed any error in dismissing the suit filed by the appellants.

No question much less a substantial question of law arises. The appeal is, accordingly, dismissed.

11.5.2015
vs

(Rajesh Bindal)
Judge