

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

RSA No. 2819 of 2014 (O&M)

Date of decision: August 25, 2015

Ram Chand

...Appellant

Versus

Baghel Chand and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

Present: Mr. Ravi K. Mattoo, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

1. The appellant is the plaintiff who sued for injunction and altered the prayer for injunction on the ground that the defendants had entered upon the property and ejected the plaintiff. The plaintiff is the brother of the 1st defendant's husband Bachna Ram. The other defendants are the children of the plaintiff's brother through the 1st defendant. The suit was filed on the basis that the property was ancestral in character in which the plaintiff, his elder brother and yet another brother had joint interest in the holding. The property was in the lal lakir and there was no document evidencing the ancestral character but only a joint enjoyment from the time of the father was purported to provide for proof of joint family character. The plaintiff himself referred to a letter written by the Municipal Committee to Chanan Ram in the year 1963 and wanted an inference to be made that the letter must be construed as making available for all the members of the

family, including the plaintiff, to claim that they were all in the enjoyment of the property. I cannot make such an inference, for, a letter written by the Municipal Committee could hardly provide for an evidence of a joint family character of the properties, unless the name of the four brothers are entered in the record. If there was even any evidence that the father lived in that house and the sons of Chanan Ram, including the plaintiff were jointly in possession of the same, it could have provided for some evidence regarding the joint family character. There is no presumption in law that a joint family possesses joint family property. The plaintiff could not show his own right to the property to secure the relief sought in the suit. The only strength for him was that the defendants remained ex-parte and that, according to him, should have been taken as allowing for recognizing for the plaintiff's right. The trial court declined that benefit and the appellate court also declined it.

2. I find nothing of substance in the appeal for intervention, as no substantial question of law is involved. The appeal is dismissed.

August 25, 2015
prem

(K.KANNAN)
JUDGE