

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.5426 of 2014 (O&M)
Date of Decision.28.09.2015

Rahul and another

.....Appellants

Versus

Vedparkash and another

.....Respondents

Present: Mr. Sandeep Kumar Yadav, Advocate
for the appellants.

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?

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K. KANNAN J. (ORAL)

1. The plaintiffs challenged the sale executed by the mother in favour of the defendant on 09.11.2005 in respect of 1/3rd share. The mother claimed the property as having been released in her favour by her husband. The release was in favour of the mother as well as plaintiffs No.1 and 2 each one of them having an undivided 1/3rd share. The sale was effected by the mother only with reference to 1/3rd and plaintiffs No.1 and 2 will have no right to question the same.

2. The Courts below have correctly considered the fact that the plaintiffs cannot challenge a sale by the mother executed in favour of the defendant and she is not required to prove any necessity. Whatever compelled her to sell would be sufficient to bind her and the plaintiffs cannot have a right unless she was selling their property. The plaintiffs' 2/3rd share in the property remained intact and there was no grievance for the plaintiffs that they could espouse for.

3. I find no scope for interference in the second appeal. The second appeal is dismissed as involving no substantial question of law for consideration.

(K. KANNAN)
JUDGE

September 28, 2015
Pankaj*