

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

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Regular Second Appeal No.5893 of 2014 (O&M)
Date of Decision: August 13, 2015

Shyam Sunder Nagpal

...Appellant

Versus

Suresh Kumar Nagpal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Adarsh Jain, Advocate
for the applicant-appellant.

AUGUSTINE GEORGE MASIH, J. (Oral)

The present appeal has been preferred against the judgments passed by the Courts below concurrently holding that the claim made by the plaintiff-appellant in the civil suit i.e. a declaration and permanent injunction, is not sustainable. A finding has been recorded that respondent-defendant No.2-Smt. Shanta Kumari, who is the mother of the plaintiff-appellant, has rightly transferred the property in question, in the name of Suresh Kumar Nagpal-respondent-defendant No.1, who is another son of Smt. Shanta Kumari. The plaintiff-appellant has failed to prove that the property was a joint Hindu family property or it was purchased and the building constructed out of the funds of the plaintiff-appellant.

2. The findings, as recorded by the Courts below, are in consonance with the evidence, which has been led by the parties. The findings recorded by the Courts below being concurrent do not call for interference by this Court. That apart, no substantial question of law arises, which requires consideration of this Court.

3. The appeal stands dismissed.

4. In the light of the dismissal of the appeal, the application for stay i.e. CM No.14027-C of 2014, also stands dismissed.

August 13, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE