

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 649 of 2014 (O/M)
Date of decision : 19.10.2015

Chanderpal

..... Appellant

Versus

Smt. Supayar Bai and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jai Vir Yadav, Advocate, for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 4.10.2013, passed by the learned Additional District Judge, Rewari, affirming the judgment and decree dated 25.1.2012, passed by the learned Additional Civil Judge (Senior Judge), Rewari, vide which the suit of the plaintiffs, was dismissed with costs.

Before the lower Court, Parmal Singh son of Sardar Singh as well as Kanwar Pal and Chanderpal sons of Rattan Singh son of Sardar Singh had filed a suit for declaration claiming that they alongwith proforma defendants are entitled to the property of Sardar Singh in equal share. The mutation sanctioned in favour of his

RSA No. 649 of 2014 (O/M)

-2-

(Sardar Singh's) four sons and a daughter, namely, Sheobai in equal share was also challenged. The plaintiffs claimed that the suit property was joint coparcenary property.

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

It comes out that Sardar Singh died in the year 1971. The mutation in favour of his four sons and a daughter, namely, Chattar Singh, Rattan Singh, Parmal Singh @ Harpal Singh, Kartar Singh and Sheobai respectively, was sanctioned in the year 1971 itself. Sheobai also died on 25.8.1979. Thereafter, the present suit was filed by Parmal Singh, the only surviving son of Sardar Singh and by Kanwar Pal and Chanderpal sons of Rattan Singh son of Sardar Singh. The lower Court held that the suit property is not ancestral in nature and it was held that the plaintiffs kept mum for such a long period, therefore, relief was declined. Against the said order, only Chanderpal son of Rattan Singh filed the appeal, which was dismissed by the learned Additional District Judge, Rewari.

After going through the judgments and decrees of both the Courts below, I am of the view that before this Court also, Chanderpal son of Rattan Singh has filed the present regular second appeal. He is claiming the right through his father Rattan Singh. The sons of Sardar Singh except Parmal Singh, during their

RSA No. 649 of 2014 (O/M)

-3-

lifetime, did not challenge the inheritance in equal share, which was ordered by revenue authorities way back in 1971. Parmal Singh, the only class-I heir of Sardar Singh had filed the suit before the lower Court, but after losing the same, he never challenged the findings of the lower Court. Therefore, he appears to have accepted the judgment and decree of the lower Court. The other class-I heirs of Sardar Singh also did not challenge the inheritance in equal share, sanctioned way back in 1971. Even after the death of Sheobai in 1979, the inheritance of her $\frac{1}{5}$ th share by her legal heirs was never challenged. It being so, with the lapse of time, it is apparent that the class-I heirs of Sardar Singh had accepted that Sheobai is entitled to the land in equal share, whatsoever may be the basis. The suit was filed in the year 2006 i.e. 27 years after the death of Sheobai. The present appellant seeks his right through his father Rattan Singh, who never challenged the inheritance of his father Sardar Singh and of his sister Sheobai. It being so, no substantial question of law arises in the present appeal. Therefore, this Court does not find any reason to interfere in the concurrent findings recorded by two Courts below.

The present appeal is accordingly dismissed.

(KULDIP SINGH)
JUDGE

19.10.2015
sjks