

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

**R.S.A. No.1448 of 1993**

**Date of Decision: 07.01.2016**

Hari Singh & others .....Appellants

Vs.

Ram Kumar & others .....Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA**

Present: Mr. B.R.Gupta, Advocate, for the appellants.

**HEMANT GUPTA, J.(Oral)**

The defendants are in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby the suit for declaration filed by Ram Kumar and Vijay Kumar sons of Mam Chand son of Jot Ram was decreed to the extent that they are owners of half share in the agricultural land measuring 32 Kanals 3 Marlas situated in Village Dubeta, Tehsil and District Hisar.

The defendants are sons of Bujan, another son of Jot Ram. Jot Ram died in the year 1909, leaving behind two sons namely Mam Chand and Bujan, who inherited the estate of Jot Ram in equal shares. However, by mistake Bhujan was reflected as owner of 3/4<sup>th</sup> share. The sons of Mam Chand i.e. Ram Kumar and Vijay Kumar sold 8 Kanals of land, which was reflected to be in their ownership on 03.06.1980 though the said sale stood pre-empted by the defendants being the co-sharers.

Ram Kumar and Vijay Kumar, grandsons of Jot Ram,

filed a suit for declaration claiming half share of the land measuring 32

Kanals 3 Marlas. The said suit has been decreed holding Mam Chand and Bhujan to be the owners of half share of the estate of Jot Ram i.e. measuring 32 Kanals 3 Marlas, consequently, the plaintiffs were found to be owner of half share of Mam Chand.

In the present second appeal filed by the defendants, no substantial question of law has been framed nor arises for consideration. It is an undisputed fact that Jot Ram was the owner of land measuring 32 Kanals 3 Marlas and he died leaving behind two sons namely Mam Chand and Bhujan. The heirs of Mam Chand and Bhujan would inherit half share of such land. Such is the decree passed by the Courts below.

In view of the above, I do not find that there is any patent illegality or irregularity in the findings recorded by the Courts below, which may give rise to any substantial question of law.

Dismissed.

**07.01.2016**  
**Vimal**

**( HEMANT GUPTA)**  
**JUDGE**