

203

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2588-2009 (O&M)
Date of decision : 12.08.2016

Krishan Singh and another

... Appellant(s)

Versus

Chandan Singh (deceased through LRs) and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashok Tyagi, Advocate
for the appellants.

Mr. A.P. Setia, Advocate
for respondent Nos.1 to 3.

Mr. M.S. Sindhu, Advocate
for respondent No.4.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest?

AMIT RAWAL, J. (ORAL)

The appellants-plaintiffs are aggrieved of the concurrent findings of fact, whereby the relief seeking declaration and consequential relief of permanent injunction claiming 6/7th share out of 1/4th share of total land measuring 297 kanals 17 marals on the premise that the property at the hands of Chandan Singh was ancestral in nature has been dismissed by both the Courts below.

Mr. Ashok Tyagi, learned counsel appearing on behalf of the appellants-plaintiffs submits that the documents Ex.P-1 and Ex.P-2 i.e. jamabandi for the year 1993-94 show that Chandan Singh had inherited the property from his forefather. This plea was before the Courts below, whereas it has *prima facie* been proved the character and nature of the

property as ancestral. The aforementioned evidence was enough for the Courts below to decree the suit.

Mr. M.S. Sindhu, learned counsel appearing on behalf of the respondent No.4 submits that the plaintiff has miserably failed to prove the nature and character of the property being ancestral. Neither the pedigree table or kursinama, much less, any other document to show that the plaintiff was 4th generation lineage, has been proved on record, rightly so, the Courts below declined the aforementioned relief.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the plaintiff has miserably failed to prove the nature and character of the property as ancestral. Ex.P1 and Ex.P2 are the documents to show the share of Chandan Singh i.e. defendant No.1, but it does not show that Chandan Singh had inherited the property from his forefather and therefore, the plaintiff being 4th generation lineage would be a right by birth. In the absence of the direct or cogent evidence, I am of the view that the claim in the suit had rightly been declined.

For the foregoing reasons , I do not intend to differ with the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination and the appeal is, resultantly, dismissed.

12.08.2016
yogesh

(AMIT RAWAL)
JUDGE

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Whether speaking/reasoned Yes/ No

Whether Reportable Yes/ No