

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

R.S.A. No.2820 of 2013 (O&M)

Date of decision: 11.01.2016

Bijender

..Appellant

Versus

Dayanand and ors.

..Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Y. P. Malik, Advocate for the appellant.

Jitendra Chauhan, J.

This regular second appeal is directed against the judgment and decree dated 15.03.2013, passed by the learned Additional Sessions Judge, Rohtak, (for short, the 'first Appellate Court') whereby, the appeal filed by the appellant, against the judgment and decree dated 24.09.2012, passed by the learned Additional Civil Judge, Sr. Divn., Meham, (for short, the 'trial Court'), has been dismissed.

It is contended that the learned trial Court erred in observing that the appellant-plaintiff has not examined any person to prove all the ceremonies, which were performed at the time of adoption. Whereas, all the religious ceremonies regarding adoption required under Hindu Religion were carried out and all these facts were also incorporated in the adoption deed, which is duly registered

with office of Sub Registrar, Meham, vide document No.52, Bahi No.4, Zild No.35. Lastly, the learned counsel states that in the ration card, voter card and other documents the appellant has been recorded as son of respondent No.1.

I have heard the learned counsel for the appellant and carefully gone through the entire record on file.

The case of the appellant is that vide adoption deed dated 17.10.2000, he was adopted by respondent No.1 in his childhood and the suit property being ancestral property, therefore, the respondent No.1 could not have executed the relinquishment deed dated 26.07.2010 qua the suit property in favour of respondent Nos.2 to 8. However, the appellant has not placed on record the revenue documents which substantiate his pleadings that the suit property is ancestral property. The appellant has pleaded that he was adopted by respondent No.1 in his childhood, but in the matriculation certificate he is recorded to be the son of Rattan Singh and his date of birth has been mentioned as 01.05.1970. The appellant himself has admitted this fact in his cross-examination, which completely goes against the claim of the appellant that he was adopted by respondent No.1 in his childhood. Neither the date nor month or year of adoption has been mentioned in the said adoption deed and the same was got registered after years of the alleged adoption. In sale deed dated 13.07.1999, Ex.D2 and gift deed dated 24.01.2006, Ex.D1, the father's name of

the appellant has been mentioned as Rattan Singh. Even PW2, Nafe Singh, Lamberdar, during his cross examination has stated that in the village the appellant was known as son of Rattan Singh. In these circumstances, the appellant has failed to prove that he was adopted by respondent No.1 in his childhood and the suit property is ancestral property. Therefore, this Court feels that the learned Courts below have rightly after appreciation the evidence on record rejected the claim raised by the appellant.

On consideration, this Court finds that the contentions only relate to the appreciation of evidence. No evidence is shown to have been ignored from consideration, nor there is any misreading of evidence. These are pure findings of fact. No question of law much less substantial question of law arises in the present appeal. Hence, no interference is called for.

Dismissed in limine.

11.01.2016

ashok

(JITENDRA CHAUHAN)
JUDGE