

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

RSA No.1905 of 2016 (O&M)

Date of decision:01.08.2016

Inderpal

... Appellant

Vs.

Om Parkash and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ajit Malik, Advocate, for the appellant.

AMIT RAWAL J. (Oral)

Appellant-plaintiff is aggrieved of the concurrent findings of facts and law, whereby, claim in the suit seeking possession by way of partition to the extent of 1/5th share out of house in dispute, has been declined by both the Courts below.

Mr. Ajit Malik, learned counsel appearing on behalf of the appellant-plaintiff submits that claim in the suit was that property at the hands of father of the appellant was ancestral and, therefore, he is owner in possession of the same being co-sharer to the extent of 1/5th share. It is double storey building/joint ancestral residential house situated in abadi deh of Jhajjar, Haryana. Both the Courts below have erroneously declined the suit on the ground that plaintiff has not been able to prove the nature and character of the property, whereas, on the contrary, defendants have not been able to discharge the onus by showing the property being self-

acquired, thus, there is illegality and perversity in the impugned judgments and decrees of the Courts below.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below.

Defendants have proved on record that it is the self-acquired property and not inherited. The plaintiff claimed that the property is acquired by his other brothers. Even otherwise, for proving the nature and character of the property, intkab and pedigree table have to be proved on record. In this regard, no evidence has been placed on record.

In my view, both the Courts below have rightly dismissed the suit. No ground is made out for interference in the findings rendered by the Courts below, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

August 01, 2016
savita

Wheather speaking/reasoned

Yes/No

Whether Reportable

Yes/No