

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.3285 of 2016 (O&M)

Date of Decision: October 03, 2016

Nant Kaur (now deceased) through L.Rs and others

..Appellants.

Versus

Amarjit Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.L.S.Sidhu, Advocate,
for the appellants.

AMIT RAWAL, J. (Oral)

Appellant-plaintiffs are aggrieved of the impugned judgments and decrees of both the Courts below, whereby the suit challenging the sale deeds dated 30.5.2002 and 6.1.2006, allegedly executed by Joginder Singh during his life time, has been dismissed.

Mr.L.S.Sidhu, learned counsel for the appellant-plaintiffs submits that the property at the hands of the husband was ancestral. The plaintiffs No.1 and 2 are widow and the married daughter, whereas the respondent is the son. The suit was filed on 31.5.2010, whereas Joginder Singh expired on 4.3.2007. Though the defendant had also set up a Will, but the same was also not proved. The fact remains that the the property at the hands of Joginder Singh was ancestral and, therefore, the same could not have been sold except on the ground of personal necessity and, thus, there is illegality and perversity.

I have heard the learned counsel for the appellants, appraised

the paper book and of the view that the appellant-plaintiffs have miserably failed to lead any evidence to show that the property at the hands of Joginder Singh was ancestral. No pedigree table and Intqab have been placed on record, therefore, Joginder Singh, during his life time, once executed the sale deed with regard to the property, the same was deemed to be self-acquired. It cannot be challenged after his demise, whereas he remained alive from the first sale deed for a period of five years and from the second sale deed for about one year. The suit had been filed only thereafter. It has become a practice now amongst the siblings to challenge the acts of their fathers after the demise.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below, which are based on appreciation of oral and documentary evidence, much less no question of law arises for determination. No case for interference is made out.

Appeal stands dismissed.

October 03, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No