

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 6082 of 2015(O&M)
Date of decision : March 3, 2016

Naveen Kumar

..... Appellant

Versus

Smt. Bhagwan Kaur (deceased) through L.Rs and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Dinesh Ghai, Advocate
for the appellant.

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

Amit Rawal, J (oral).

The appellant-plaintiff is aggrieved of the dismissal of the suit whereby declaration had been sought that property at the hands of Bhola Nath was ancestral and consequential relief seeking possession of the property which is in possession of defendant No.1.

Learned counsel appearing on behalf of the appellant submits that defendant No.2 is father of the plaintiff who under the influence of defendant No.1 executed the sale deed dated 24.6.1996 which he could not have done as the property at the hands of Bhola Nath was ancestral.

Both the defendants were proceeded against ex-parte, therefore the court below ought to have decreed the suit in view of the averments made in the suit, thus, submits that there is

illegality and perversity in the impugned judgments and decrees and urges this Court to formulate substantial question of law.

I have heard learned counsel for the appellant, appraised the paper book and of the view that no evidence has been lead that the property at the hands of Bhola Nath was ancestral, much less there is no challenge to the sale deed dated 24.6.1996. The suit has been filed in the year 2010 after attaining majority.

No documentary evidence, much less original excerpt or pedigree table has been proved or brought to show that the appellant-plaintiff was the fourth generation in lineage. In the absence of same, both the courts below have rightly dismissed the suit as plaintiff has miserably failed to discharge onus.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. There is no illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

March 3 , 2016
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