

Regular Second Appeal No.735 of 2014 (O&M) { 1 }

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.735 of 2014 (O&M)

Date of Decision: August 01, 2016

Ajaib Singh

...Appellant

Versus

Virender Singh & others

...Respondents

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

Present: Mr.Rakesh Dhiman, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

CM Nos.1677-C & 1678-C of 2014

For the reasons mentioned in the applications, which are supported by affidavits, delay of 90 days in filing and 495 days in re-filing the appeal is condoned.

Applications stand allowed.

R.S.A.No.735 of 2014

The present appeal is at the instance of Ajaib Singh-plaintiff No.1. There is also an application for transposing proforma respondent Nos.5 and 6 as appellant Nos.2 and 3 in this appeal as the finding of the Courts below with regard to dismissal of suit is qua plaintiff No.1 and not plaintiffs No.2 and 3. Plaintiff Nos.2 and 3 are the uncle and sister of

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the appellant, who is sought to be transposed and have filed the conceded written statement before the trial Court, in essence they have supported the claim of the plaintiffs and, therefore, there is no need of transposing. Even otherwise, decrees dated 28.1.1984 and 20.7.1984 suffered by Annkaur in favour of defendant No.1, have been challenged in the year 2000. No explanation has come forth for challenging the same. Assuming that there is no limitation qua title, but the claim in the plaint was that the property at the hands of husband of Annkaur, i.e., their father Gopal was ancestral. No intkab or pedigree-table has been proved on record to show the lineage of previous three generations and rightly so, the Courts below have declined the claim. In the absence of the evidence, the suit had rightly been dismissed as the aforementioned are the essential pre-requisite for proving the character and nature of the property as ancestral.

In view of the aforementioned facts and circumstances, I do not intend to differ with the findings rendered by both the Courts below in declining the suit. No substantial question of law arises for determination.

The appeal stands dismissed.

August 01, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No