

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

**R.S.A. No 2619 of 2015
Date of decision : 14.12.2017**

Harveen Singh Bajwa

....Appellant

versus

Gurbeant Singh Bajwa

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.K. Dogra, Advocate
for the appellant.

RITU BAHRI, J. (Oral)

This regular second appeal is directed against the concurrent finding of facts recorded by the Court below whereby the suit of the plaintiff-appellant (herein after to be referred as 'the appellant') for declaration to the effect that he is co-owner to the extent of 1/3rd share out of land measuring 27 kanals 14 marlas as detailed in the head note of the plaint, has been dismissed.

The Courts below have given a concurrent finding of fact that no evidence was led by the appellant to prove that the land in dispute was owned by his predecessor. No revenue record has been produced on record to show any property in the name of Arjun Singh. On the one hand, the appellant was saying that the suit property was allotted to Arjun Singh in lieu of the land left by him in Pakistan and on the other hand he stated that he died in the year 1942. The name of Arjun Singh also do no mention in the jamabandi whereas other jamabandi pertains to the year 1992. Khasra No. mentioned in the jamabandi do no connect with the suit property. Jamabandi Ex P8 pertains to the year 2003. Hence no land was allotted to them after partition.

Both the Courts below have rightly dismissed the suit of the plaintiff as there was nothing on file to show that Gopal Singh had inherited the suit property from his father or for-fathers. Therefore, the suit property cannot be said to be ancestral property in the hands of Gurdeep Kaur. Further, the sale deeds have not been challenged at all.

The finding of facts recorded by both the Courts below does not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

December 14, 2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No