

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

**RSA No.4744 of 2015 (O&M)
Date of Order: 23.10.2017**

Pardeep Kumar and others

..Appellants

Versus

Kusum Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harkesh Manuja, Advocate,
for the appellants.

ANIL KSHETARPAL, J (Oral)

Plaintiffs are in regular second appeal against concurrent findings of fact arrived at by the Courts below.

Plaintiffs had filed a suit challenging sale deed executed by their father Puran Singh, defendant no.1, dated 22.12.2009. It was claimed that the plaintiffs and defendant nos.1, 3 and 4 are members of Joint Hindu Family/Coparceners.

Both the Courts after appreciation of the evidence available on the file, dismissed the suit.

Plaintiffs had further pleaded that their father was of unsound mind. Both the Courts have also found that Puran Singh, defendant no.1 was not of unsound mind. Plaintiffs have failed to prove the positive evidence in this regard.

In any case, the suit filed by the plaintiffs was not maintainable during the life time of Puran Singh. Plaintiffs could not challenge the sale deed during the life time of Puran Singh.

Taking into consideration the concurrent findings of fact, which

are not shown to be either erroneous or result of misreading of evidence, this Court does not find any good ground to interfere with the same. The regular second appeal is dismissed.

October 23, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No