

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

**RSA No.6094 of 2017 (O&M)
Date of Order: 18.12.2017**

Bhinder Singh and others

..Appellants

Versus

Swatri Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Kataria, Advocate,
for the appellants.

ANIL KSHETARPAL, J (Oral)

C.M.No.15940-C of 2017

Prayer in this application is for condonation of delay of 77 days
in re-filing the appeal.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 77 days in re-filing the appeal is condoned.

Application is allowed.

C.M.No.15941-C of 2017

Allowed as prayed for.

RSA No.6094 of 2017

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

Plaintiffs had challenged transfer deed executed by Chanan
Ram dated 24.12.2002 in favour of his daughter defendant no.1-Swatri
Devi. It was claimed that since the property was coparcenary Joint Hindu
Family property, Chanan Ram had no right to transfer the property in favour

of his daughter Swatri Devi.

Both the courts after appreciating the evidence available on the file, dismissed the suit.

The Courts below have relied upon the excerpt produced by Paramjit Singh, Excerpt Kanugo who has proved that Chanan Ram became owner of the property on the basis of testamentary document executed by Norata Ram in his favour.

The aforesaid kanugo has also proved on the file that Norata Ram, was absolute owner of the property. Still further plaintiffs had examined Mewa Singh, as PW7, who had deposed that Chanan Ram was exclusive owner of the property.

Learned courts have further found that plaintiffs have failed to produce any evidence on the file that the property was ever coparcenary Joint Hindu Family property.

Taking into consideration the findings of fact arrived at by the courts below, which are not shown to be erroneous, there is no ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

December 18, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No