

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

RSA No.2080 of 1996 (O&M)

Date of decision : 17.04.2018

Jit Singh

...Appellant

Versus

Jagtar Kaur and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: None.

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**ANIL KSHETARPAL, J. (ORAL)**

When the case was called for hearing, no one had come present to assist the Court. This case has been adjourned repeatedly. The case was dismissed in default on 13.05.2014. An application for restoration of the appeal was filed and the appeal was restored to its original number. However, thereafter once again position remains the same. Hence, this Court is left with no choice but to read and decide this Regular Second Appeal.

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiff had filed a suit for declaration claiming that the plaintiff and defendant-Joga Singh are owners in the capacity of coparceners with respect to the land measuring 57 kanals and 16 marlas. The plaintiff also challenged the validity of the mutation sanctioned in favour of Jagtar

Kaur and sale deed with respect to the land measuring 22 kanals in favour of Balwant Singh and Hakam Singh. In the alternative, the plaintiff also prayed for possession of land measuring 57 kanals and 16 marlas.

The defendants contested the suit.

Learned trial Court framed issue Nos.1 and 2 i.e. existence of any coparcenary. Learned trial Court has noticed that Jit Singh-plaintiff appeared in the witness-box and did not lead any evidence and even make a statement that he constituted a coparcenary with his father Gajjan Singh. He has only stated that Gajjan Singh-his father sold the property without consulting him. Thus, the learned trial Court dismissed the suit. The first appeal filed by the plaintiff-appellant was dismissed after re-appreciating the evidence available on the file.

A reading of the grounds of appeal does not show that any mis-reading of the evidence or non-reading of the evidence has been pointed out.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in terms of the abovesaid judgment.

**17.04.2018**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-                      Yes/No**

**Whether reportable:-                                  Yes/No**