

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1121 of 2001 (O&M)
Date of Decision: 27.11.2018.

Manohar and others

... Appellants

Versus

Smt. Chanda @ Chanda Wati

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.R. Vohra, Advocate for the appellants.

Ms. Simranjeet Kaur, Advocate for
Mr. Vivek Goel, Advocate
for the respondent.

ANIL KSHETARPAL J. (ORAL)

Defendants/appellants are in the Regular Second Appeal against the findings of facts arrived at by the First Appellate Court while reversing the judgment passed by the trial Court. The suit land was originally owned by Dhani Ram @ Devi Sahai. He had left behind five sons and a widow, who became owner of 1/6 share on the death of Dhani Ram@ Devi Sahai. Plaintiff is daughter of Shri Sheo Narain, brother of defendant Nos.1 to 3. Defendants on the basis of family settlement got a decree passed in their favour in respect of the suit land which was owned and possessed by Sh. Sheo Narnain claiming that the plaintiff was major. However, the First Appellate Court has found that she was minor on the day. The decree was passed by impleading daughter of Sh. Sheo Narain as party although the suit land was owned by Sh. Sheo Narain.

Sh. Sheo Narain was alive on the day, the decree was passed, therefore, any decree without impleading him as a party does not affect his rights. Although, it has been pleaded by the defendants that Sheo Narain had

renounced the world 20-25 years back, however, defendants failed to prove that fact.

In such circumstances, there is no ground to interfere with the findings of fact arrived at by the First Appellate Court.

Dismissed.

November 27, 2018
rekha sharma

(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>