

**215-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA No.4626 of 2011 (O&M)
Date of decision : February 21, 2018**

Bhalle Ram and others

..... Appellants

Versus

Smt. Ram Rati and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Kulvir Narwal, Advocate for the appellants.

Mr. R.S. Kundu, Advocate for respondent No.1.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 19.10.2010 passed by learned Addl. District Judge, Rohtak, affirming the judgment and decree dated 22.07.2008 passed by learned Civil Judge (Jr. Divn.), Rohtak, vide which the suit of the plaintiff-respondent No.1 was partly decreed to the effect that the she is entitled to joint possession up to the extent of 1/9th share in the suit property and the defendants were directed to hand over the possession up to the extent of 1/9th share, failing which the plaintiff will be entitled to take the possession with the assistance of the Court.

Heard.

Before the trial Court, the plaintiff claimed that Dara Singh son of Sheo Ram was the owner to the extent of 1/3rd share in the suit property. Dara Singh was the grand father of the plaintiff, who died on 25.11.2003. Dara Singh left behind two sons, namely, Bhalle Ram (defendant No.1) and

Late Hawa Singh (father of the plaintiff). Therefore, the plaintiff 's father stepped into the shoes of his father. Dara Singh had suffered a decree of his 1/3rd share of the suit property in favour of defendant Nos.2 to 5 on 11.08.1987, against which Hawa Singh, filed a suit challenging the decree, claiming that it was ancestral property. The suit was decree on 21.05.1997 and the appeal against the said order/decreed was dismissed on 21.05.1999. The suit property was held to be ancestral in the hands of Dara Singh. Hawa Singh also died on 17.09.2003, leaving behind the plaintiff-respondent No.1, as only legal heir. Therefore, the plaintiff-respondent No.1 is entitled to 1/6th share of the suit property.

A perusal of the judgments passed by both the Courts below shows that it is on the basis of the ownership of Hawa Singh, it was recorded that the plaintiff-respondent No.1 has stepped into her shoes being the only legal heir of Hawa Singh and is entitled to 1/6th share owned by Hawa Singh. Findings of facts have been recorded by both the Courts below. No law point is involved in the present regular second appeal. Therefore, there is no ground to interfere in the concurrent findings of facts recorded by both the Courts below.

As such, the present regular second appeal is dismissed.

(KULDIP SINGH)
JUDGE

February 21, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No