

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

101

**RSA No.2721 of 2012 (O&M)
Date of Decision : 23.04.2018**

Pritam Singh

..... Appellant

Versus

Ranjit Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

**Present :- Mr. Gurdial Singh Jaswal, Advocate
for the appellant.**

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower Appellate Court reversing that of the trial Court and thereby dismissing a suit filed by the appellant.

The brief facts are that the father of the appellant inherited some property. The appellant has challenged the sale of that property on the ground that it was coparcenary property and his father could not sell it except for legal necessity. The trial Court decreed the suit and the appellate Court having allowed the appeal the appellant is before this Court.

Both the Courts held that the property inherited by the father of the appellant was ancestral property. The only issue on which the difference of opinion has come is whether the sale was made for legal

necessity or *bona-fide* or *mala-fide*. The trial Court held that there was no legal necessity and consequently set the sale aside.

The lower Appellate Court relied on the cross-examination of the appellant to hold otherwise. In his cross-examination the appellant admitted that from the sale of his property his father had purchased property in the name of his grand sons- i.e. the sons of the appellant.

On this score the lower Appellate Court held that the appellant could not now take the benefit of first having the father's property transferred in the name of his own sons and then turn around and challenge the same.

Consequently, the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

23.04.2018

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No