

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

RSA No. 1335 of 2016(O&M)

Date of decision: 26.4.2018

Dharambir

....Appellant

VERSUS

Azad Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Munfaid Khan, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for declaration filed by the appellant by assailing the release deed/relinquishment deed dated 14.07.2007 executed by Bhalle Ram in favour of respondents No.1 to 3, his grandsons on the premise that suit property in the hands of Bhalle Ram was Joint Hindu Family Coparcenary Property has been dismissed by the trial Court and findings recorded by the trial Court have been affirmed in appeal preferred by the unsuccessful appellant/plaintiff.

Perusal of the judgments would reveal that the Courts have consistently held that the appellant/plaintiff, admittedly, son of Bhalle Ram failed to substantiate his plea that suit land was Joint Hindu Family Coparcenary Property and the appellant had a right in the suit property by birth. Counsel for the appellant has not assailed findings of the Courts that the plaintiff failed to adduce evidence on record to establish his case that

suit property was Joint Hindu Family Coparcenary Property in the hands of

Bhalle Ram. However, he has relied upon a recital in the relinquishment deed wherein there is reference that the suit land is ancestral property. As per the settled position in law, an admission with regard to nature of property is not sufficient to record a finding that suit land is Joint Hindu Family Coparcenary Property because every property is presumed to be self-acquired property of the owner unless proved otherwise. In this view of the matter, I do not find any error much less perversity in the findings recorded by the Courts warranting intervention in exercise of jurisdiction in Regular Second Appeal when otherwise no question of law is raised that needs determination after notice to the contesting party.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

APRIL 26, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no