

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

RSA No.2021 of 2016 (O&M)

Date of decision : 25.09.2018

Ruddar Tarnaich and another

...Appellants

Versus

Dawarka Nath Tarnaich and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dheeraj Mahajan, Advocate for the appellants.

Mr. Rahul Verma, Advocate for respondent No.3.

Mr. Namit Gautam, Advocate for respondent Nos.4 and 5.

ANIL KSHETARPAL, J. (ORAL)

It is a classic case of abuse of the process of law.

Dwarka Nath sold the property in favour of his son Kamal Kumar vide sale deed dated 06.10.2006. Kamal Kumar, thereafter, sold the property through registered sale deed dated 15.07.2011 for a valuable consideration in favour of defendant Nos.3 to 5.

The plaintiffs-appellants who are son and daughter of Kamal Kumar, have challenged the sale deed executed by their grandfather Dwarka Nath in favour of their father as well as their father selling the property in favour of defendant Nos.3 to 5. It is claimed that the property is ancestral and the sale deed is without legal necessity.

Both the Courts below after appreciating the evidence have

concurrently recorded that the property is not proved to be ancestral. It is apparent that the entire litigation initiated by the plaintiffs is only with a view to deprive the bona fide purchasers from the property. This suit has been filed by the minors through their mother who is wife of Kamal Kumar. Still further, learned counsel for the appellants did not dispute that no revenue record after the jamabandi for the year 1963-64 was not produced in evidence. The suit was filed in the year 2013. For a period of 50 years immediately before filing of the suit, no revenue record was produced.

Hence, there is no ground to interfere.

Regular Second Appeal is dismissed.

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

25.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No