

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

RSA No.2917 of 2016 (O&M)

Date of decision: 01.10.2018

Umar Mohd. and another

..... Appellants

Versus

Deen Mohd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Mohit Jaggi, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM-7873-C-2016

Application is allowed and the delay is condoned.

Main Case

Plaintiffs-appellants are in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Father of the parties i.e. Deen Mohd., defendant No.1 transferred the land measuring 2 kanals and 1 marla through registered transfer deed dated 18.08.2006 in favour of defendants No.2 and 3, his sons. The aforesaid transfer deed has been challenged by the plaintiffs by filing the present suit on 20.05.2011. The plaintiffs have challenged the transfer deed on the ground that there is a custom in the Meos (caste) not to transfer the property being pre-dominantly agriculture tribe.

Both the Courts after appreciating the evidence have found that there is no substance in the case set up by the plaintiffs. It has also come in

evidence that previously defendant No.1, father had transferred certain property in favour of the plaintiffs also.

Learned counsel for the appellants submitted that the aforesaid transfer was result of sale deed. Once in the family, the property can be transferred whether by sale or relinquishment deed, it is not proved from the aforesaid that the parties are governed by custom prohibiting alienation. Still further, it has come in evidence that the parties are no more in evocation of doing agricultural work.

In view thereof, there is no ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

01.10.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No