

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

RSA No.3558 of 2016 (O&M)

Date of decision:17.12.2018

Mahavir Singh

... Appellant

Vs.

Joginder Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Ms. Rupinder Kaur Thind, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

As per office report, in compliance of the order dated 31.10.2018, the costs of Rs.5000/- has also not been deposited.

The present regular second appeal has arisen against the concurrent findings of facts and law, whereby, appellant-plaintiff has not been successful in setting aside the sale deed dated 16.02.2009 allegedly executed by defendant no.1 in favour of defendants no.2 and 3.

The sole point for assailment of aforementioned sale deed was that suit property subject matter of the sale deed was co-parcenary at the hands of plaintiff's great grandfather which fact according to learned counsel for the appellant had not been disputed when subjected to examination-in-chief.

I am afraid the aforementioned argument is not sustainable as the plaintiff has miserably failed to prove on record through documentary

evidence, i.e. revenue excerpt which is essential requirement of law to establish that the property had fallen from three generations and he being fourth generation had a right by birth in the property. The revenue excerpt as indicated above is essential requirement of law as per the ratio decidendi culled out by this Court in **Banta Singh and others Vs. Phuman Singh and others 1972 PLJ 275**. Even no effort was made to place on record additional evidence before the Lower Appellate Court.

As an upshot of my findings, I do not find any illegality and perversity in the conferring findings which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

The regular second appeal is dismissed on merit as well as for non-compliance of order dated 31.10.2018.

(AMIT RAWAL)
JUDGE

December 17, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No