

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

**RSA No.3818 of 2016 (O&M)
Date of Order:15.05.2018**

Dharmu and others

..Appellants

Versus

Romesh Yadav and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Arora, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

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

Plaintiffs filed a suit for declaration with consequential relief of permanent injunction challenging the sale deed executed by their father on 24.06.2005. The sale deed was challenged on the ground that the property is ancestral in nature and the sale deed executed is without legal necessity.

Both the courts after examining the evidence available on the file, dismissed the suit filed by the plaintiffs.

Before the learned first appellate court, the appellants moved an application under Order 41 Rule 27 of the Code of Civil Procedure for leading additional evidence, which was allowed. However, learned first appellate court has noticed that the property in dispute had come to Surinder Singh, father of the appellants by a civil court decree dated 25.05.1998.

This court has heard learned counsel for the appellants at length

and with his able assistance gone through the judgments and the paper book.

Learned counsel for the appellants, although, made serious attempt to persuade this court to take a different view, however, on being pointed out that Surinder Singh, predecessor-in-interest of the plaintiffs had became owner of the property by way of civil court decree, the learned counsel had no answer.

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

The regular second appeal is dismissed.

May 15, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No