

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

RSA No.4263 of 2016 (O&M)

Date of decision:29.11.2018

Darshan Singh (D) through LRs and others ... Appellants

Vs.

Lachman Dass (D) through LRs and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ravi Sharma, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.10997-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 6 days in filing the appeal is condoned.

C.M. stands allowed.

C.M.No.10998-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 135 days in re-filing the appeal is condoned.

C.M. stands allowed.

RSA No.4263 of 2016 (O&M)

The plaintiffs, namely, Santokh Singh and Bhajan Singh sons of Darshan Singh filed the suit for declaration against their father -Darshan Singh (since deceased) through LRs and subsequent purchasers by

challenging the sale deeds dated 31.10.2000 and 10.07.1995 to be co-parcenary and ancestral property.

The suit, vide judgment and decree dated 03.02.2010 was decreed. The appeal was preferred by LRs of defendant no.4 which has reversed the findings holding that property was not ancestral.

It was the plaintiffs, who were aggrieved of the judgment and decree of the Lower Appellate Court, therefore, the appeal at the instance of Mohinder Kaur being co-defendant in the absence of appeal taken before the Lower Appellate Court is not maintainable.

In view of above, no cause of action survives in the present appeal and thus, the same is hereby dismissed.

(AMIT RAWAL)
JUDGE

November 29, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No