

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

RSA No.4366 of 2016 (O&M)

Date of decision:11.12.2018

Sukhmander Singh and another ... Appellants

Vs.

Jaspinder Singh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rajan Bansal, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

The appellant-plaintiffs have not been successful in laying challenge to the transfer deed bearing no.911 dated 03.07.2006 executed by their father Sahib Singh in favour of defendant no.1-Jaspinder Singh in respect of suit land measuring 59 kanals 7 marlas out of 62 kanals 7 marlas on the premise that it was co-parcenary and ancestral property.

Mr. Rajan Bansal, learned counsel appearing on behalf of the appellant-plaintiffs submitted that Sahib Singh in the written statement denied to have executed the transfer deed under challenge in favour of defendant no.1. That was sufficient for the Courts below to decree the suit, much less in the absence of any evidence with regard to nature and character of the property.

I am afraid the aforementioned arguments are not sustainable, as it is obligatory upon the person who asserts the nature and character of

the property to be ancestral by leading direct and cogent evidence. Even it has also not been proved on record whether Sahib Singh was third generation in lineage and plaintiffs being 4th generation, therefore, could assert right in the property by birth. In such circumstances, the registered document carries a presumption of truth.

No ground is made out for interference in the impugned judgments and decrees.

The regular second appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 11, 2018
savita

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