

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

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**CM-13063-C-2016 in/and
RSA-5020-2016 (O&M)
Date of Decision : 27.07.2018**

Prem Shankar Lal and another Appellants

Versus

Sheel Bala and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sudhir Aggarwal, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

CM-13063-C-2016

This is an application for condonation of delay in filing the appeal on the ground that originally the appellants had filed a review application and were under the impression that the limitation would start after the decision of the review application and that is the primary ground for day.

For the reasons recorded, the application is allowed. Delay of 482 days in filing the appeal is condoned.

RSA-5020-2016 (O&M)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellants.

The admitted facts are that the property was owned by the father of the parties. The appellants were sons and all the respondents are daughters or their legal representatives. After the death of their father,

the mutation was sanctioned in the name of all the children in the year 1957. After more than half a century the appellants filed a suit claiming that actually their father had died before coming into force of the Hindu Succession Act, 1956 and at that time daughters had no right of inheritance and therefore they sought a declaration that they had inherited the property of the father in equal shares. Both the courts below held that the appellants were not able to prove the assertion that the father had passed away prior to coming into force of the Hindu Succession Act.

Even before me, counsel for the appellants has not been able to show any documentary evidence of the death of the father. He has only relied upon the self-serving oral statements of the appellants. I am not persuaded that the findings of fact given by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court in second appeal.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

July 27, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No