

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

115

RSA No.5963 of 2016 (O & M)

Date of Decision:16.05.2018

Karnail Singh

...Appellant

Versus

Naranjan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S. Dadwal, Advocate
for the appellant.

Mr. Harsh Bungar, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiff claims that he is owner in possession of 1/3rd share in the land, which was purchased vide sale deed dated 16.05.1966 along with his brothers. Defendants contested the suit and pleaded that the entire property of the family was divided by a family settlement and 10 kanals and 2 marlas land, which was purchased vide sale deed dated 10.05.1966 had fallen to the share of Naranjan Singh, the brother and he had left his share in the family land, which was 52 kanals and 12 marlas.

Learned trial Court while appreciating the evidence found that the plaintiff admitted the family settlement and the plaintiff did not disclose as to what was total holding of the family. The Court further noticed that PW-5, son of the plaintiff, in cross-examination admitted the factum of settlement and also admitted that the land measuring 10 kanals and 2 marlas, that is the suit property, was given to Naranjan Singh in exchange with the land at village Para Pind.

Learned counsel for the appellant insisted that there is no admission to that effect. He rather insisted that in fact there was no cross-examination of son

of the plaintiff. Fortunately the record was available with this Court. The same has been examined. In cross-examination, son of the plaintiff, who has appeared as PW-5, has admitted in no uncertain terms that there was a exchange and the property in dispute i.e. 10 kanals and 2 marlas had fallen to the share of Naranjan Singh.

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

Regular second appeal is dismissed with the cost of Rs.1,00,000/-.

16.05.2018
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(ANIL KSHETARPAL)
JUDGE

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