

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

**RSA No.6712 of 2016 (O&M)
Date of Order: 20.07.2018**

Jagdish Singh

..Appellant

Versus

**Govinda @ Gobind Singh (since deceased)
through his LR's.**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Gupta, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below, dismissing the suit filed by the plaintiff for declaration that the plaintiff is coparcener in the property to the extent of 1/6th share. Plaintiff also challenged the sale deeds executed by defendant no.1, his father, in favour of defendant no.2 i.e. Brother-Kuldip Singh.

Both the courts on appreciation of evidence have found that the plaintiff failed to prove that at any time co-parcenary existed. The courts have further found that defendant no.1-Gobinda @ Gobind Singh, father of the plaintiff used to reside with Kuldip Singh and Jagdish Singh, the plaintiff-appellant, did not take care of him. Sufficient evidence has been brought on record to prove that it is Kuldeep Singh, who was taking care of Gobinda @ Gobind Singh, father of the plaintiff and defendant no.2.

Learned counsel for the appellant, although, made sincere

attempt, however, could not point out any perversity or illegality in the judgments passed by the courts below. Learned counsel for the appellant also could not point out any substantive misreading or non-reading of evidence, as appreciated by the courts below.

Therefore, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

C.M.No.17514-C-2016

Prayer in this application is for condonation of delay of 149 days in re-filing the appeal.

For reasons mentioned in the application, which is supported by an affidavit, the delay of 149 days in re-filing the appeal is condoned.

Application is allowed.

C.M.No.17515-C-2016

No order is required to be passed since the appeal has already been decided on merits.

July 20, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No