

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

RSA No.5511 of 2015 (O & M)
Date of Decision:01.06.2018

Vijay Kumar and others

...Appellants

Versus

Rajinder Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J. (ORAL)

CM No.13212-C of 2015

For the reasons stated in the application, which is duly supported by an affidavit, delay of 67 days in filing the appeal is condoned.

Application is allowed.

Main Case

Defendant appellant is in the regular second appeal against the judgment passed by the learned First Appellate Court.

Plaintiff filed a suit for partition of the property by meets and bounds and also prayed for decree for permanent injunction. It is not in dispute that Smt. Kamla Rani wife of Sh. Rulia Ram was owner of the property. Kamla Rani purchased the property vide sale deed dated 25.07.1996. Defendants contested the suit on the ground that the plaintiff was disinherited by the mother vide publication dated 20.09.2005.

Learned trial Court dismissed the suit on the ground that only certified copy of the sale deed has been filed, however, ownership of Kamla

that the ownership of Kamla Rani is not being disputed, reversed the judgment. The Court has also found that the alleged publication disinheriting the plaintiff, has not been produced on file. Plaintiff is also one of the son of Kamla Rani and as such he is Class-I heir.

In view thereof, there is no ground to interfere with the findings of fact arrived at by the learned First Appellate Court.

Hence, the regular second appeal is dismissed.

01.06.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No