

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

-.-

RSA 6208 of 2015 (O&M)
Date of decision: 20.02.2018

Ajaib Singh

..... Appellant

Versus

Phillour Singh and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. I S Brar, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

Challenge in the present appeal has been directed against judgments and decrees dated 11.03.2014 passed by the Additional Civil Judge (Senior Division) Nihal Singh Wala and dated 13.05.2015 of the Additional District Judge, Moga whereby suit filed by the respondents/ plaintiffs for separate possession of 1/3rd share by way of partition of the property measuring 4 kanals 3 marlas, detailed in the head note of the plaint was decreed by the trial Court and findings recorded by the trial Court have been affirmed in appeal.

Counsel for the appellant has submitted that Phillour Singh-respondent No. 1 is the adopted son of Gurdial Singh, therefore, he could not claim any right or interest in the property left behind by Jangir Singh son of Bachan Singh, father of the appellant.

Perusal of the judgments passed by the Courts below makes it evident that though the defendants including the appellant had raised a plea

that Phillour Singh was adopted by Gurdial Singh but they could not adduce evidence to substantiate their plea in this regard, in order to disentitle Phillour Singh to claim his right in the suit property, admittedly, earlier owned by Shri Jangir Singh who had six sons namely Phillour Singh, Balour Singh (plaintiffs therein), Sadhu Singh, Ajaib Singh, Jalour Singh, defendants No. 1 and 3 and Kamar Singh (since deceased), predecessor-in-interest of defendants No. 5 to 7. That being so, the present appeal does not raise a substantial question of law that requires adjudication in regular second appeal.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

No order as to costs.

(Rekha Mittal)
Judge

20.02.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No