

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

**RSA No.4168 of 2014 (O&M)
Date of Order:12.11.2018**

Smt. Rajmanti and others

..Appellant

Versus

Jogender Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Garg, Advocate,
for appellant nos.2, 4 and 5.

Mr. Naveen S. Bhardwaj, Advocate,
for the respondents.

ANIL KSHETARPAL, J.

Plaintiffs-appellants are in the regular second appeal against the concurrent findings of fact arrived at by both the courts below.

Plaintiffs through the present suit had challenged civil court decrees passed in Civil Suit Nos.39 of 1990 and 724 of 1990. It was claimed that the aforesaid civil court decrees suffered by Hira Singh, were not valid as the property in the hands of Hira Singh was ancestral in nature.

Defendants contested the suit and pleaded that the property in question is not ancestral. It may be noted that the suit was instituted on 05.08.2002, challenging 2 decrees passed in the year 1990 on the basis of family settlement. Plaintiffs no.1 to 5 are grand daughters of Hira Singh, whereas plaintiff no.6 is son of Hira Singh.

On appreciation of the evidence, both the courts have concurrently found that the plaintiffs failed to prove that the property in the

hands of Hira Singh was ancestral. Dalip Singh, PW1, Ex. Sarpanch, who has been examined by the plaintiffs has admitted in the cross-examination that he does not know whether the property in the hands of Hira Singh was ancestral or not? He has admitted that Hira Singh has purchased the property in village Santokahpura and he was given 5 acres of land by Bharat Singh and Daryav Singh in another village i.e. Gothra. He has further admitted that it is respondent nos.1 to 3 who took care of Hira Singh till his death at the age of 90 years.

Learned counsel for the appellants, although, made an attempt to persuade this court to take a different view, however, could not draw attention of the court to any error in the judgments passed by the courts below.

Hence, there is no good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

12.11.2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No