

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

RSA No.145 of 2017 (O&M)

Date of decision:14.11.2018

Bharafgir and others

... Appellants

Vs.

Mehar Gir and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ashok Giri, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

The appellant-plaintiffs have not been successful in seeking declaration with a consequential relief of permanent injunction laying challenge to the registered release deeds dated 17.09.2008 and 26.06.2009 executed by Panmeshari Devi, their mother in favour of defendant no.1. The sole ground on which the aforementioned challenge laid was that property at the hands of Panmeshari Devi was ancestral and this fact has been reflected in the release deed, therefore, the appellant-plaintiffs were not enjoined upon an obligation to discharge the onus by leading a direct and cogent evidence.

I am afraid the aforementioned argument is not sustainable in the eyes of law, for, mere admission in the document would not render the property to be ancestral as the onus heavily laid upon the plaintiffs to discharge the onus by summoning and proving on record the excerpt, i.e.,

revenue record to prove the nature and character of the property being ancestral i.e. 4th generation in lineage. No such evidence has been led, therefore, no fault can be found with the concurrent findings of facts and law.

As an upshot of my findings, I do not find any illegality and perversity in the judgments and decrees under challenge which are based upon the appreciation of oral and documentary evidence. No substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 14, 2018
savita

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