

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

**RSA No.2167 of 2017 (O&M)
Date of Decision.17.12.2018**

Nasib Singh and others

....Appellants

Vs

Sandeep and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Yashjot S. Dhaliwal, Advocate for
Mr. K.S. Dhaliwal, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

The appellants-plaintiffs have not been successful in
lying challenge to the registered Gift Deed No.1302/1 dated
24.2.1997 executed by Jeet Singh in favour of defendant No.1 and 2
in respect of house bearing No.163, Ward No.2 situated in Mohalla
Majri, Shahabad (M), Tehsil Shahabad (M), District Kurukshetra.

Mr. Dhaliwal, learned counsel appearing for the
appellants submitted that Jeet Singh was son of Sarda Ram. He had
four sons and three daughters. Since the property at his hand was
ancestral, he could not have executed the gift deed except for legal
necessity. There was no extra love and affection for the donees
namely defendant No.1 and 2. Defendants admitted the nature of the
property to be ancestral. The suit property vested in the Municipal
Committee only in the year 1989 and since it was *abadi deh*, there
was no proof to establish coparcenary but due to implication, the
factum of property being ancestral has been established, therefore,
there is illegality and perversity.

I am afraid the aforementioned argument is not sustainable, as the appellants-plaintiffs have miserably failed to discharge the onus. In the absence of the same, it could not shift upon the defendants to rebut. Even if the suit property was *abadi deh*, there were rapat roznamchas to establish that Jeet Singh inherited the suit property from his father Sarda Ram. Had that evidence been brought on record, perhaps plaintiffs have some case, being 4th generation in lineage. In the absence of the same, the property in dispute being the self-acquired property, Jeet Singh executed the gift deed.

In view of this matter, I do not find any illegality and perversity in the concurrent finding of fact and law arrived at by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 17, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No