

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.2237 of 2017 (O&M)

Date of decision: 04.07.2018

Nirmal Singh and others

..... Appellants

Versus

Beant Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Parvinder Singh, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM-5458-C-2017

Application is allowed and the delay in filing the appeal is
condoned.

CM-5457-C-2017

Application is allowed and the delay in re-filing the appeal is
condoned.

Main Case

Plaintiffs-appellants are in the regular second appeal against
the judgment passed by the learned First Appellate Court.

Plaintiffs filed a suit claiming that they are natural heirs of Hari
Singh and therefore, entitled to the property. Challenge was made to the
alienation made by Hari Singh in favour of Arshdeep Singh and Dildeep
Singh, defendants No.2 and 3 who are great grand-sons of Hari Singh. The
plaintiffs claim that such alienation are bad as the property is ancestral

co-parcenary property and therefore, Hari Singh was not entitled to alienate. On the other hand, defendants contested the suit and pleaded that Hari Singh was the absolute owner of the property and Hari Singh had even executed a registered Will in favour of Beant Singh, defendant No.1, father of Arshdeep Singh and Dildeep Singh, defendants No.2 and 3.

Learned First Appellate Court has noticed that the plaintiffs have produced no evidence to prove that the property was co-parcenary or ancestral in nature. The judgment passed by the learned First Appellate Court discusses the evidence led by the parties and after critical analysis thereof finding has been returned.

Still further, learned First Appellate Court has noticed that on the death of Narain Singh in the year 1965, the property fell in the hands of his sons i.e. Mohinder Singh, Tara Singh and Hari Singh separately. In these circumstances, the learned First Appellate Court has reversed the judgment passed by the learned trial Court.

Although, learned counsel appearing for the appellant made sincere attempt to persuade this Court to take a different view, however, keeping in view the fact that learned counsel failed to point out any misreading or non-reading of evidence or perversity in the judgment passed by the learned First Appellate Court, this Court does not feel that there is any ground to interfere with the finding of fact arrived at by the learned First Appellate Court.

Appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

04.07.2018
Dinesh Bansal

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No