

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

RSA No.2493 of 2017(O&M)

Date of decision: 24.8.2018

Rajbir Singh

....Appellant

VERSUS

Sultan and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sandeep K. Sharma, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

CM No.6122-C of 2017

Heard.

Allowed as prayed for.

Deficiency of the Court fee has been made up.

Disposed of accordingly.

RSA No.2493 of 2017

The present appeal directs challenge against concurrent findings recorded by the Courts whereby plea of the plaintiff/appellant claiming suit property to be Joint Hindu Family Coparcenary Property in the hands of Sultan son of Dulia son of Lakhi and on the basis thereof, challenge to sale deed No.8798 dated 13.11.2009 in favour of defendant No.5 has been rejected by the Courts primarily on the ground that the plaintiff/appellant has failed to substantiate his plea with regard to the suit property being Joint Hindu Family Coparcenary Property and entitlement of the plaintiff to a share in the suit property by way of birth.

Counsel for the appellant is not in a position to point out any materials on record to substantiate plea of the appellant with regard to the suit property being Joint Hindu Family Coparcenary Property in the hands of Sh. Sultan. If plea of the appellant with regard to his entitlement to a share in the suit property being a co-parcener is rejected, the property is to be treated as self-acquired property of Sultan, therefore, he had every right to deal with the property in question in the manner he desired and resultantly sale of suit property by Sultan in favour of defendant No.5 – Sudesh cannot be faulted with.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, all other miscellaneous applications shall be deemed to be disposed of. No order as to costs.

AUGUST 24, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no