

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

RSA No.2515 of 2017 (O&M)

Date of decision: 01.12.2018

Gurcharan Singh

..... Appellant

Versus

Bagga Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.K. Jain, Advocate
for the appellant.

Mr. C.S. Jattana, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(ORAL)

Defendant No.6-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Dispute in the present case is with respect to estate of Bant Singh who died unmarried and hence, issueless. Both the Courts have found that Bagga Singh, plaintiff is real brother of Bant Singh whereas defendants No.1 to 3 and 5 were related to Bant Singh by half blood being sons and daughter of Rattan Singh, their a common predecessor, but from different mother namely Nachhattar Kaur, who was defendant No.4.

Learned counsel for the appellant has a very limited grievance. He submits that he is a bona fide purchaser pursuant to a sale deed dated 03.08.2007. He submits that he has no grievance against the findings of the Courts below but the sale deed in his favour has been wrongly set aside. He submits that even if the property of Bant Singh which would stand

exclusively inherited to Bagga Singh, who was the real brother, still remaining defendants No.1 and 4 are left with the property which was subject matter of sale deed dated 03.08.2007.

Learned counsel for the respondent-plaintiff does not have any objection to this submission of learned counsel for the appellant. He also submits that if the rights of Bagga Singh with respect to the property inherited by him from Bant Singh are not adversely effected, he has no grievance against the sale deed to that extent.

Keeping in view the consensus arrived at between learned counsel for the parties, the appeal is disposed of by modifying the judgment passed by the Courts below and there shall be a decree for declaration in favour of Bagga Singh that the entire property of Bant Singh would stand inherited by him exclusively and not by other defendants who were related to him by half blood.

Appeal is disposed of.

01.12.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No