

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

**RSA No.254 of 2017 (O&M)
Date of Decision.28.11.2018**

Raj Singh

...Appellant

Vs

Chattar Singh (since deceased) through LRs and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rai Singh Chauhan, Advocate
for the appellant.

-.-

AMIT RAWAL J. (ORAL)

The present regular second appeal has been preferred against the concurrent finding of fact whereby plaintiff has not been successful in seeking declaration having 1/4th share in the coparcenary property by laying challenge to sale deed dated 02.03.2007 executed by defendant No.1, his father in favour of defendants No.2 and 3, his brothers. It was alleged that the property at the hands of Chattar Singh, defendant No.1 was ancestral and therefore, the plaintiff had right by birth. It could not have been alienated except for legal necessity.

The defendants opposed the nature and character of the suit property being ancestral.

Mr. Chauhan, learned counsel appearing on behalf of the appellants submitted that Ex.P1 to P8 documents and Gurmukhi script as Ex.P1/A to Ex.P8/A had been brought on record to establish the ancestral nature of the property, therefore, the documents regarding transfer deed/gift deed on behalf of the defendant would

pale into insignificance.

I am afraid aforementioned argument of Mr. Chauhan is not sustainable, as it is settled law that in the absence of property being ancestral, the suit challenging the sale deed executed by the father during his life time is not maintainable. The plaintiff miserably failed to prove the nature and character of the property to be ancestral i.e. being 4th generation in lineage.

In these circumstances, I do not find any illegality and perversity in the current finding of fact rendered 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 28, 2018
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No