

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

RSA No.3276 of 2017(O&M)

Date of decision: 25.7.2018

Jagir Singh

....Appellant

VERSUS

Ujjagar Singh (deceased) through LRs and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. T.P.S. Makkar, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for declaration that the plaintiff/appellant is a co-sharer in joint possession to the extent of 1/7th share in the land, recorded to be ownership of Ujjagar Singh and transfer deeds dated 23.11.2009 and 24.12.2009 in favour of his four sons arrayed as defendants No.2 to 5 being illegal, null and void was dismissed by the trial Court vide judgment and decree dated 14.01.2016, that came to be affirmed in appeal by the Additional District Judge, Ferozepur.

The sole submission made by counsel for the appellant is that at the time of purchase of land in question in the name of Ujjagar Singh, the appellant/plaintiff being son of Ujjagar Singh also made contribution by providing funds, therefore, he is entitled to 1/7th share in the land in question and Ujjagar Singh was not competent to transfer the land to the extent of share of the plaintiff/appellant. It is further argued that after filing of written statement by contesting defendants, they absented from the

proceedings and were proceeded against ex parte, therefore, there is no challenge to testimony of Jagir Singh and one witness examined by him to prove his case.

I have heard counsel for the appellant, perused the paper-book particularly the judgments passed by the Courts.

Be that as it may, it is undisputed position of the case that land was purchased in the name of Ujjagar Singh. Both the Courts have consistently held that the appellant/plaintiff has failed to lead cogent and convincing evidence to prove that he had rendered financial assistance or contributed towards funds invested in purchase of land in the name of Ujjagar Singh. He has even failed to point out the amount paid by him to his father towards sale consideration which was paid by Ujjagar Singh in favour of his vendor. The sale deed in favour of Ujjagar Singh has not seen the light of day. Ujjagar Singh passed away during pendency of the suit and was represented by his LRs.

Counsel for the appellant has not made any submission with regard to implications of The Benami Transactions (Prohibition) Act, 1988 in the light of allegations set forth in the plaint. Analyzed from any angle, counsel has failed to point out that judgments passed by the Courts suffer from perversity or raise a question of law that needs determination in Regular Second Appeal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

JULY 25, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no