

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CM-8257-C-2017 and CM-8259-C-2017
in/and RSA-3428-2017 (O&M)
Date of Decision : 02.08.2018

Satbir since deceased through his LRs
and others

..... Appellants

Versus

Rajbir and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Ajay Kumar Gupta, Advocate
for the applicants-appellants.

AJAY TEWARI, J. (Oral)

CM-8257-C-2017

For the reasons recorded, the application is allowed. Delay of
28 days in re-filing the appeal is condoned.

CM-8259-C-2017

This is an application for bringing on record the legal heirs of
Satbir-appellant since deceased.

For the reasons recorded, the application is allowed subject to
all just exceptions. Persons mentioned in para No.2 of the application are
impleaded as LRs of the deceased-Satbir. Amended memo of parties is
taken on record. Registry is directed to make necessary correction in the
memo of parties.

RSA-3428-2017

This appeal has been filed against the concurrent judgments of

The case of the appellants was that the appellants had filed civil suit dated 26.09.2008 challenging a judgment and decree suffered by their grand father in favour of their uncle whereby their grand father had transferred some land to their uncle in the year 1971. Their claim was that the property was ancestral and therefore, their grand father could not have suffered a decree for more than his 1/3rd share.

The case of the respondents on the other hand was that the property was not ancestral. They further pleaded that the father of the appellants was alive not only at the time when the decree was passed but for even 30 years thereafter and he never challenged the same. During the evidence the appellants relied upon some report which they had obtained from a Tehsildar where it had been certified that the property was ancestral in the hands of Ramji Lal. However, neither any material was placed on record to show that the property was originally owned by the grand father of Ramji Lal or that it was inherited from the grand father by the father of Ramji Lal by survivorship or that it was inherited by Ramji Lal from his father by survivorship. A Patwari who appeared stated that he did not know urdu and therefore could not read the document which he had placed. In the face of this evidence both the Courts below held that the appellants had not been able to prove that the property was ancestral in the hands of Ramji Lal and consequently, dismissed the decrees of 1965.

Along with this appeal there is an application bearing **CM No.6885-C-2018** filed under Section 151 CPC for placing on record the revenue excerpt showing the chain of inheritance from Ramji Lal's grand father to him.

In my opinion, this application is neither here nor there. Even if these documents are taken on record they can not be read into evidence.

In the circumstances, both the appeal and the application stand dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

02.08.2018

pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No