

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

RSA No. 3337 of 2018 (O&M)  
Date of decision : August 09, 2018

Rewati (dead) through LRs

..... Appellant

v.

Budh Ram and others

..... Respondents

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. Manish Mehta, Advocate  
for the appellant.

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**Ajay Tewari, J (Oral)**

**C.M No.8846-C of 2018**

For the reasons recorded, this application is allowed subject to just exceptions and the persons mentioned in paragraph 2 are impleaded as L.Rs of the deceased-appellant.

**C.M No.8847-C of 2018**

For the reasons recorded, this application is allowed and delay of 28 days in refiling the appeal is condoned.

**RSA No.3337 of 2018**

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant, since deceased. The case of the appellant was that Sheo Lal had three brothers who were all equal owners of the land in dispute. Sheo Lal died in 1966. He was married to Manbhari and they had one daughter Sarbati who had predeceased Sheo

Lal. It was further pleaded that the appellant was the only daughter of Sarbati and consequently inherited the entire property. However, the respondents who were the brothers of Sheo Lal got mutation dated 24.5.1968 in their favour whereby it was wrongly shown that Sheo Lal had died unmarried and issueless. It is noteworthy that the present suit was filed after almost a half century. During evidence, it was brought on record (and which has not been denied even by counsel for the appellant) that in fact Sarbati had three children, Kishori Lal, the appellant, and one other daughter, namely, Umrawali @ Amarwati.

Both the Courts below held that the respondents had not been able to prove that Sheo Lal had died unmarried and issueless but further held that the appellant had not been able to prove that Sarbati was the daughter of Sheo Lal, and consequently dismissed the suit. In this connection, it may be noticed that the only evidence led by the appellant to prove the relationship between her mother and Sheo Lal was her own oral testimony, the oral testimony of a person who lived opposite their house and the oral testimony of a third person who claimed to be a relative of the wife of Sheo Lal. The Courts below held that this evidence was not sufficient to prove the relationship between Sarbati and Sheo Lal. The Courts below also noticed that the appellant had made no mention about her own siblings in the plaint. Even before me, counsel for the appellant is not in a position to explain why the widow of Sheo Lal or his son-in-law never raised any claim about the property of Sheo Lal and why the appellant waited for almost half a century to file the present suit when she was not able to prove the relationship between Sarbati and Sheo Lal.

In the entire conspectus of the facts, I am convinced that the

findings recorded by the Courts below are neither based on no evidence nor are they based on such misreading of evidence so as to render the same so perverse as to be liable for interference in second appeal. Consequently, finding no merit, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

August 09, 2018  
'kk'

( AJAY TEWARI )  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |