

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

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RSA-3883-2017 (O&M)

Date of Decision : 23.02.2018

Sham Chand

..... Appellant

Versus

Heera Lal and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Jagdish Manchanda, Advocate
for the appellant.

Mr. Aseem Kataria, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant claiming that he was owner in possession of the land in dispute alongwith his five brothers.

The appellant had specifically challenged the Will executed by his father in favour of his five brothers on the ground that the property was ancestral. Both the courts below held that the appellant had not been able to prove that the property was ancestral and dismissed the suit.

Counsel for the appellant has argued that the appellant had placed on record the jamabandi for the year 1946-47 from which it was clear that the land had been allotted to the father of the parties in lieu of land held by him in Pakistan and this shows that the property was ancestral.

Counsel for the caveators-respondents has argued that merely by showing that the property was allotted to the father of the parties in lieu

by him in Pakistan was ancestral in nature and no evidence had been led to that effect.

From a perusal of the file it is clear that no evidence had been led to the effect that property held by the father of the parties in Pakistan was ancestral in nature. Consequently, no fault can be found with the judgments of the courts below.

Appeal is dismissed. No costs.

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

February 23, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No