

RSA-4291-2017 (O&M)

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

RSA-4291-2017 (O&M)

Date of decision : 06.12.2018

Ram Kishan

... Appellant

Versus

Akhilesh Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Yash Dev Kaushik, Advocate
for the appellant.

AMIT RAWAL, J.

The appellant-plaintiff has not been successful in laying the challenge to the sale deed dated 05.04.1985 executed by his father and grand mother in favour of the defendants in a suit filed on 24.08.2011 on the premise that subject matter of the land was ancestral at the hands of his father, who had inherited from his father Amilal, in this regard, placed on record jamabandis (Ex.P3 to Ex.P9).

Learned counsel for the appellant-plaintiff submitted that since the plaintiff being third generation has a right by birth as the property was inherited to his father from his father i.e. Amilal thus, the nature and character of the property was ancestral.

I am afraid the aforementioned argument is not sustainable as, for asserting the right in the property being ancestral, either pedigree table or revenue excerpt to establish that the plaintiff being 4th generation in

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lineage, is required to be brought on record. Judgments and decrees and revenue record does not disclose that who was the father of Amilal i.e. great grand father of the plaintiff. In such circumstances, the sale deed cannot be said to be executed by *karta* without legal necessary.

In this view of the matter, I do not find any illegality and perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the present regular second appeal is dismissed.

06.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**