

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

**RSA No.4611 of 2017 (O&M)
Date of Order:12.07.2018**

Surjit Singh

..Appellant

Versus

Avtar Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S.Sidhu, Sr. Advocate, with
Mr. G.S.Benipal, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

Plaintiff claims that he is joint owner in possession of land measuring 101 kanals and 2 marlas and the civil court decree dated 19.09.1990 and the sale deed executed by defendant no.1 to 3 in favour of defendant no.5 dated 04.04.2007 are illegal. The entire case of the plaintiff is based upon the fact that the property is ancestral co-parcenary property. It has come on record that Gurdial Singh, i.e. defendant no.4, father of plaintiff no.1 and defendants no.1 to 3, had purchased the property and, therefore, it was self acquired. Plaintiff has pleaded that initially their family was owner of the property in village Ghanoli, District Ropar and the aforesaid land was acquired by the State Government and thereafter property in Dehradun was purchased by Harnam Singh with compensation received. Subsequently, Harnam Singh even sold the property at Dehradun

and purchased the property in the name of Gurdial Singh and his other sons.

In the present case, plaintiff has failed to link the sale consideration paid with the amount received from the sale of the property in Dehradun.

Still further it has come on record that the plaintiff had separated from the family more than 30 years ago and he had started living in Indore (Madhya Pradesh). It has also come on record that defendant no.4 even just before filing of the suit had paid to the plaintiff Rs.20,00,000/-. It is further pleaded case of defendant no.4 that after selling the land in the years 1983, 1986 and 1988, the entire amount was paid to the plaintiff to start his business.

In these circumstances, both the courts have found that the plaintiff has failed to establish his case.

Learned senior counsel appearing on behalf of the appellant, although, made sincere attempt to persuade this court to take a different view, however, keeping in view the concurrent findings of fact, which is neither shown to be perverse nor result of any substantive misreading or non-reading of the evidence. This court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

July 12, 2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No