

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

RSA No.4862 of 2017 (O&M)

Date of decision : 09.10.2018

Mohinder Singh

...Appellant

Versus

Ram Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rishab Lohan, Advocate for
Mr. R.N. Lohan, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

It has come in evidence that the land measuring 68 acres was joint hindu family property whereas land measuring 12 acres and 6 kanals which is subject matter of the present suit was purchased in the name of defendant No.2 i.e. Harpat, father of plaintiff and defendant Nos.1 and 3. It is also not in dispute that after the purchase of the property, the parties resolved their dispute by way of a family settlement and pursuant thereto, the properties were divided and the same was acknowledged in the judgment and decree dated 18.08.1986. All the family members got their share. The land measuring 12 acres and 6 kanals came to the share of Harpat-defendant No.2 who is father of the parties. Harpat, thereafter acknowledged a further family settlement and suffered a decree in favour of defendant No.1, his son. This property is being claimed by the plaintiff to be the joint hindu family ancestral property on the ground that the land

measuring 12 acres and 6 kanals was purchased from the joint hindu family funds.

Both the Courts after examining the evidence, have found that the plaintiff has failed to lead any substantive evidence to prove that the property refers to above was purchased with joint hindu family funds.

This Court has heard the learned counsel for the appellant at length and with his able assistance gone through the judgments passed by both the Courts below.

In the considered opinion of this Court, there is no substance in the present appeal for following reasons:-

1. Once disruption in the family is admitted which has been acknowledged vide judgment and decree dated 18.08.1986, the land which came to the share of Harpat cannot be held to be the ancestral or joint hindu family property.
2. The plaintiff has failed to lead evidence to prove that the aforesaid property was purchased with the joint hindu family funds.

In view thereof, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

09.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No