

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.4901 of 2017 (O&M)

Date of Decision: December 10, 2018

Smt.Naveet Kaur & others

...Appellants

Versus

Daljit Singh & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Dheeraj Mahajan, Advocate,
for the appellants.

AMIT RAWAL, J. (Oral)

CM No.12910-C of 2017

For the reasons mentioned in the application, which is supported by an affidavit, delay of 143 days in re-filing the appeal is condoned.

CM stands disposed of.

RSA No.4901 of 2017

Appellant-plaintiffs have not been successful in asserting the right in the nature of the property subject matter of sale deed dated 08.10.2007 executed by defendant No.1 Daljit Singh to be ancestral in nature.

It was alleged that Daljit Singh had inherited the property from Jaswant Singh, who from Harnam Singh, therefore, the daughters had a right by birth in view of the amendment caused in Section 6 of the Hindu Succession Act as the sale deed was effected on 08.10.2007.

Defendants opposed the suit and denied the nature of the property being ancestral.

Plaintiffs brought on record numerous documents to establish the nature of the property as ancestral.

Mr. Dheeraj Mahajan, learned counsel appearing on behalf of the appellant-plaintiffs submitted that the aforementioned documents were clincher to form an opinion to establish that the property at the hands of Daljit Singh was ancestral and, therefore, he could not have parted the same by way of sale deed dated 08.10.2007 in favour of third party, i.e., defendant No.2 Paramjit Kaur, for, it disclosed no personality necessity.

I am afraid that the aforementioned argument is not sustainable as fard patwar does not disclose that Harnam Singh great grand-father of the plaintiffs was the owner of the property, which had fallen to the share of the grand-father Jaswant Singh and the plaintiffs, in such circumstances, in view of the revenue record brought on record, reflected to be the third generation in lineage and any right by birth.

For the reasons mentioned above, I do not find any illegality or perversity in the concurrent findings of fact and law, which are based upon oral and documentary evidence. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

December 10, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No