

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

**RSA No.497 of 2017 (O&M)
Date of Order:16.08.2018**

Darshan Singh

..Appellant

Versus

Biru Ram and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rishabh Gupta, 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, dismissing his suit for declaration, challenging sale deed executed by his father in favour of his other son.

Plaintiff had filed a suit claiming that the property is Joint Hindu Family Coparcenary property.

Defendants contested the suit and pleaded that the property is self acquired property and plaintiff was in army and there was no Joint Hindu Family. It was further pleaded that the defendants vide sale deeds dated 20.04.2006 and 15.07.2008 have also sold certain property.

Both the courts after examining the evidence have found that the plaintiff has miserably failed to prove that the property is Joint Hindu Family Coparcenary property. Court has noticed that the mutation of inheritance from Achroo Ram to Jangi Ram and from Jangi Ram to Biru

Ram i.e. defendant no.1 has not been placed on file.

Still further pre-consolidation and post-consolidation numbers have not been connected as Khatauni Paimaish, Khatauni Istemal and Naksha Haqdarwar have not been produced. Further sale was executed by father in favour of son. The other son has filed a suit challenging the sale deeds. Once it is proved that the plaintiff is living separately, 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.

August 16, 2018

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(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No