

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

RSA No.5495 of 2017(O&M)

Date of decision: 27.7.2018

Shakuntla Devi

....Appellant

VERSUS

Rakesh Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Inderjit Sharma, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for declaration that appellant/plaintiff is owner of 1/3rd share out of land measuring 38 kanal 12 marlas, detailed in head-note of the plaint and consequential relief for joint possession of the said land on the premise that suit land was ancestral Joint Hindu Family Coparcenary Property and the appellant being one of the co-parceners has birth right therein was dismissed by the trial Court vide judgment and decree dated 26.02.2016 that came to be affirmed in appeal by the Additional District Judge, Faridkot.

Counsel for the appellant, in response to a query, would fairly concede that there is no material on record to substantiate plea of the plaintiff/appellant that suit property was Joint Hindu Family Coparcenary Property in the hands of Shavinder Lal or the appellant/plaintiff being daughter of said Shavinder Lal had a birth right in the suit land to challenge transfer of suit land in favour of Rakesh Kumar, son of

Shavinder Lal. In this view of the matter, no error much less perversity can be noticed in the judgments impugned, warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

JULY 27, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no