

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

-.-

RSA 5519 of 2017 (O&M)
Date of decision: 04.09.2018

Palwinder Singh

.....Appellant

Versus

Partap Singh (deceased) through LRs and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. A S Manaise, Advocate
for the appellant

-.-

Rekha Mittal, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby challenge to sale deed dated 07.08.2009 executed by defendant No. 1 - Partap Singh, father of the plaintiff/appellant in favour of defendant No. 2 - Gurnam Singh, another son of Partap Singh on the premise that the suit property is Joint Hindu Family Coparcenary Property in the hands of Partap Singh has been negated by the Courts.

On July 18, 2018, the order passed by this Court reads as follows:-

“The present appeal directs challenge against concurrent findings recorded by the Courts whereby challenge to sale deed dated 07.08.2009 executed by defendant No.1 in favour of defendant No.2 on the premise that the suit property is Joint Hindu Family Coparcenary Property has been rejected. The Courts have

consistently held that the appellant/plaintiff has failed to substantiate his plea with regard to the suit property being Joint Hindu Family Coparcenary Property.

Counsel for the appellant prays for time to make submissions on the premise that his brief has been misplaced.

Adjourned to 03.09.2018.”

Counsel for the appellant has failed to point out any material on record, sufficient to substantiate plea of the appellant that suit land was inherited by Shri Partap Singh from his forefathers. That being so, no error much less perversity can be noticed in the consistent findings recorded by the Courts, rejecting plea of the appellant that suit property was Joint Hindu Family Coparcenary Property in the hands of Shri Partap Singh wherein the appellant got a right by way of birth, thus, dis-entitling Shri Partap Singh to alienate the suit land by way of sale deed dated 07.08.2009.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

04.09.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No