

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

RSA No.6242 of 2017 (O&M)

Date of decision: 24.01.2018

Bahal Singh and another

...Appellants

Versus

Tara Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. S.S. Behl, Advocate
for the appellants.

REKHA MITTAL, J.

The present appeal directs challenge against concurrent findings recorded by the Courts below whereby suit filed by the respondent/plaintiff-Tara Singh for joint possession of 10/21 share out of land measuring 58 kanals 2 marlas, detailed in head note of the plaint was decreed by the trial Court and findings recorded by the trial Court have been affirmed in appeal by the Additional District Judge, Tarn Taran.

Perusal of the judgments passed by the Courts below makes it evident that the appellants/defendants No.1 and 2, real brothers of respondent/plaintiff-Tara Singh had claimed their right to suit property to exclusion of the plaintiff on the premise that there was an oral exchange between the plaintiff and defendants No.1 and 2, on the basis whereof the plaintiff relinquished his right in the suit property whereas defendants No.1

and 2 had given up their share in land situated in village Chowkhra Farm, P.O. Tilokpur, Tehsil Palia Kalan, District Lakhimpur Khiri, (UP). The Courts have consistently held that the appellants failed to establish their plea with regard to any such exchange having taken place between the plaintiff and defendants No.1 and 2/appellants.

Counsel for the appellants has failed to raise any legal issue that needs adjudication in a regular second appeal.

The sole submission made by counsel is that as the appellants and respondent/plaintiff are closely related being real brothers, notice may be issued to respondent/plaintiff to explore possibility of an amicable settlement.

As the present appeal does not give rise to any question of law, there is no merit in contention of the appellants that the appeal is required to be disposed of after giving notice to the opposite/contesting party.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

No order as to costs.

24.01.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No