

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.774 of 2017 (O&M)
Date of Order:17.10.2018

Sahib Ram and others

..Appellants

Versus

Tara Chand through his LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harpreet Singh Jakhal, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

C.M.No.1679-C of 2017

Prayer in this application is for condonation of delay of 128 days in filing the appeal.

For reasons mentioned in the application, which is supported by an affidavit, the delay of 128 days in filing the appeal is condoned.

Application is allowed.

MAIN

Plaintiffs-appellants are in the regular second appeal against the concurrent findings of fact arrived at by both the courts below while dismissing the suit filed by the plaintiff for declaration.

Tara Chand had executed a sale deed in favour of the children of his 2 brothers, which is subject matter of challenge in the present suit. Plaintiff claim that since the property was Joint Hindu Family Ancestral Coparcenary Property, therefore, the sale is liable to be set aside being

without legal necessity.

Both the courts after examining the evidence have found that the plaintiffs have failed to prove that the property was Joint Hindu Family Ancestral Coparcenary Property. It has also come in evidence that Tara Chand got the property through a testament from his father Sh. Giana Ram.

Although, learned counsel for the appellants made sincere attempt, however, could not persuade this court to take a different view as learned counsel failed to point out any substantive error in appreciation of evidence by the courts below.

In view thereof, 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.

October 17, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No