

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

**Regular Second Appeal No.7328 of 2018 (O&M)
Date of Decision: December 17, 2018.**

Karamvir Chahal and others

.....APPELLANT(s).

VERSUS

Ram Kumar and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vinod Bhardwaj, Advocate for
Mr. Partap Singh, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

Appellants-plaintiffs sought declaration and joint possession of the land owned by defendant-respondent No.1 Ram Kumar as fully detailed in head note of the plaint and challenged the release deed dated 18.12.2006 executed by him on the ground that suit land was joint Hindu family coparcenary property.

It was duly proved before the trial Court that the suit property had devolved upon Ram Kumar from his father by way of civil Court decree dated 04.02.1969 by excluding other legal heirs i.e. 5 sisters of defendant No.1, as such, it was his self acquired property and being the self acquired property, Ram Kumar was competent to deal with it in any manner. The appellants-plaintiffs, who claimed to be sons of Ram Kumar, defendant No.1 from his second wife, was found not entitled to challenge the release

deed dated 18.12.2006 executed by Ram Kumar.

Learned counsel for the appellant has argued that release deed was executed by Ram Kumar in favour of his sons and other legal heirs from his first marriage in order to deprive the appellants-plaintiffs of their right to inherit his property.

Firstly, during the life time of Ram Kumar, appellants-plaintiffs have no right in his self acquired property; secondly as already discussed, they have failed to prove that suit property is joint Hindu family coparcenary property, as such, no right is vested in them to challenge the release deed executed by them.

In view of the above, I find no legal or factual infirmity in the judgments passed by the Courts below, calling for any interference.

No substantial question of law requiring determination arises in this appeal, which has no merits.

Dismissed.

December 17, 2018.

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No