

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

RSA No. 2016 of 2019(O&M)

Date of decision: 8.5.2019

Sushila and others

.....Appellants

VERSUS

Bharpai and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Abhishek Jindal, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby suit for declaration and permanent injunction as a consequential relief was dismissed by the trial Court vide judgment and decree dated 15.10.2016 that came to be affirmed in appeal by the Additional District Judge, Jhajjar.

The appellants/plaintiffs are the children of Rajender @ Inder Singh (since deceased) and they have challenged relinquishment deed bearing No.3791 and 3792 dated 10.09.2013 executed by respondent No.1 (grandmother of the plaintiffs/appellants) in favour of respondents No.2 and 3, sons of respondent No.1 widow of late Sh. Rai Singh. The plea of appellants is that respondent No.1 is not competent to execute the relinquishment deed as the land is ancestral property of the plaintiffs and respondent No.1 is only a care taker being 'karta' of the Joint Hindu Family. Another plea raised by the appellants is that respondents No.2 and 3 are cunning and clever persons who in collusion with each other and

attesting witnesses fraudulently took advantage of illiteracy of respondent No.1 and prepared the aforesaid relinquishment deeds.

Counsel for the appellants has failed to point out any materials on record to substantiate their plea that either the suit land was ancestral coparcenary property or Joint Hindu Family Property in which they acquired right being the grand-children of respondent No.1 Smt. Bharpai. In the given circumstances, suit land in the hands of respondent No.1 shall be treated as self acquired property of Smt. Bharpai, therefore, appellants have no locus standi to challenge transfer of suit land by its owner in favour of respondents No.2 and 3. This apart, if respondent No.1 had no grievance to express against relinquishment deeds purported to be executed by her in favour of her two sons, the appellants are nobody to challenge the transaction by raising the plea of fraud etc. which is otherwise required to be proved akin to a criminal charge.

No other point has been raised.

In view of what has been discussed hereinabove, finding no merit, the appeal fails and is accordingly dismissed in limine.

MAY 8, 2019

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no