

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

**RSA- 3303 of 2012 (O&M)
Date of Decision: 10.7.2019**

Jai Singh and others

---Appellants

versus

Laxmi Narain and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Munish Gupta, Advocate
for the appellants**

**Mr. Sanjay Mittal, Advocate
for respondents No. 1 to 5**

Rekha Mittal, J.

CM No. 8799-C of 2012

Prayer in this application is for permission to file appeal as
legal heirs of deceased Hanuman.

In view of averments made in the application supported by an
affidavit of appellant and arguments advanced by counsel for the applicants,
the application is allowed and the applicants are permitted to file the appeal.

Disposed of accordingly.

Main case

Challenge in the present appeal has been directed against

concurrent findings recorded by the courts whereby suit filed by the plaintiffs namely Dhan Singh and Hanuman (since deceased) now represented by his legal representatives (appellants herein) claiming inheritance to estate of Maida qua land measuring 34 kanal 16 marlas, was dismissed by the trial court vide judgment and decree dated 31.3.2008 that came to be affirmed in appeal filed by Hanuman plaintiff No. 2, by the Additional District Judge, Narnaul.

The case set up by the appellant and his co-plaintiff is that Maida had six sons namely Bhola, Nonda, Sheoji, Harsukh, Hardayal and Ram Dhan. Bhola died issueless and inheritance to his estate should have been sanctioned in the name of his brothers in equal shares. Father of defendants No. 1 to 5 namely Mangla was a very clever person who in connivance with revenue officials got sanctioned mutation of inheritance in his name qua estate left behind by Bhola. He had shown himself as adopted son of Bhola. Bhola never adopted Mangla, father of defendants No. 1 to 5.

The courts have consistently held that Bhola died in the year 1935 and mutation in favour of Mangla was sanctioned few years later. Mangla died in the year 1976. Suit challenging mutation in favour of Mangla was instituted in the year 1999 by the members of third generation. It has also been noticed that one of the plaintiffs who later withdrew the suit appeared as a witness in earlier litigation and admitted that Mangla was adopted by Bhola.

Counsel for the appellants has failed to advance meaningful arguments to assail consistent factual findings recorded by the courts. He has failed to point out that the present appeal gives rise to a question of law

that needs determination in second appeal. That being so, I do not find an error much less perversity in the judgments impugned.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

12.7.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No