

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

RSA No.3007 of 2015 (O&M)

Date of decision : 15.03.2019

Rajwinder Singh and another

...Appellants

Versus

Teja Singh (deceased) through his LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Thind, Advocate for the appellants.

Mr. K.S. Chahal, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiffs had claimed declaration that they are joint possession of the suit land and the sale/transfer deed dated 25.05.2009 executed by their father Teja Singh in favour of defendant Nos.2 to 5 is illegal. The entire case of the plaintiffs is based upon the fact that the property is joint hindu family coparcenary property. The plaintiffs when appeared in the evidence admitted that their father had transferred land measuring 5 bighas each to all his sons. The Courts further found that the plaintiffs failed to prove their assertion made in the suit.

Learned counsel for the appellant submitted that one of the defendant DW1 i.e. Jagraj Singh has admitted that the property is joint

hindu family coparcenary property.

In the considered opinion of this Court, one line in the cross-examination cannot be read in isolation of the entire statement. Still further, admission on a question of fact has to be categoric and not vague. Once, plaintiffs have admitted that there was division amongst the family members. Teja Singh had divided the property and given to the sons according to their share, remaining land in the hands of Teja Singh cannot be treated as joint hindu family coparcenary property. It was plaintiffs who have to stand on their own legs. Once plaintiffs have failed to prove that the property is joint hindu family coparcenary property, there is no ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Regular Second Appeal is dismissed.

15.03.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No