

RSA-4623-2016 (O&M)

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

**RSA-4623-2016 (O&M)
Date of decision : 14.03.2019**

Kharaiti Lal and others

... Appellants

Versus

Veena and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Amit Arora, Advocate
for the appellants.

AMIT RAWAL, J. (ORAL)

CM-11971-C-2016

For the reasons stated in the application, which is supported by
an affidavit, delay of 75 days in re-filing the appeal is condoned.

CM stands disposed of.

MAIN CASE

Costs of ₹4,000/- as ordered by this Court has been deposited
and receipt thereof, has been handed over to this Court.

The short point involved in the present regular second appeal is
whether the judgment and decree of the lower Appellate Court restraining
the appellants-defendants from alienating the share of the respondents-
plaintiffs qua the estate of Ladha Ram, who died intestate, in the absence of
nature and character of the property being ancestral, is said to be perverse or
erroneous. The answer would be 'No'. It is a matter of record that Ladha
Ram was allotted a house after having been migrated from Pakistan. He died

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intestate. The respondents-plaintiffs are none-else, but the daughters, whereas the appellants-defendants are the sons. The trial Court dismissed the suit, by noticing the fact that the plaintiffs were already married and not in possession, but the lower Appellate Court upheld the findings of the trial Court, but granted the injunction, as noticed above. Injunction aforementioned, in the absence of any testamentary document, is most innocuous and legal in character.

Keeping in view the aforementioned facts, I do not find any illegality and perversity in the judgment and decree of the lower Appellate Court, much less, no substantial question of law arises for determination. No ground is made out for interference.

Resultantly, the second appeal is dismissed.

14.03.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**