

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

RSA No.5469 of 2016 (O&M)

Date of Decision: January 21, 2019

Hans Raj & others

...Appellants

Versus

Chamba Ram & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

**Present: Mr. Rai Singh Chauhan, Advocate,
for the appellants.**

AMIT RAWAL, J. (Oral)

The short point involved in the present appeal is whether a suit at the instance of the children of Chamba Ram claiming the property at his hands to be coparcenary during his life time without any disposition of the property would be maintainable, the answer is 'No'.

Plaintiffs have claimed the share in the property being children of Chamba Ram born out of the loins of Pairo Bai, whereas the defendants from Bagan Bai, the other wife. Concededly, Chamba Ram, as per the memo of parties in the plaint and as well as in the appeal is alive, though no documentary evidence has been placed on record to establish this fact. In such circumstances, the suit was premature, much less not maintainable as no cause of action accrued in favour of the plaintiffs. The findings, thus, cannot be said to be suffered from illegality and perversity. Accordingly, the appeal is dismissed.

**January 21, 2019
ramesh**

**(AMIT RAWAL)
JUDGE**

**Whether speaking/reasoned
Whether Reportable:**

**Yes/No
Yes/No**