

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

**RSA No.5679 of 2016 (O&M)
Date of decision:23.01.2019**

Rajmal (since deceased) through LRs ... Appellant

Vs.

Badlu (since deceased) through LRs and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Mohit Jaggi, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.14853-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 20 days in re-filing the appeal is condoned.

C.M. stands allowed.

RSA No.5679 of 2016 (O&M)

Short point involved in the present appeal is whether the appellant-plaintiff could maintain the suit against his father challenging the registered gift deed dated 25.06.2003 executed in favour of defendants no.2 and 3 in the absence of any documentary evidence to establish that subject matter of suit property was ancestral/co-parcenary, the answer is 'No'. Had the plaintiff been able to prove the same, suit could have been maintainable. In the absence of the same, suit property deemed to have been self-acquired,

and therefore, could not have been challenged the gift deed during his life time.

No ground for interference is made out.

Resultantly, the regular second appeal is dismissed.

January 23, 2019

savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No