

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

**RSA No.6338 of 2016 (O&M)
Date of Decision.20.03.2019**

Santra Devi

...Appellant

Vs

Rajender and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.K. Yadav, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

Costs of ₹6000/- has been deposited.

The present regular second appeal is against the concurrent finding of fact whereby suit of the appellant-plaintiff being married daughter of Sohan Lal challenging transfer deed of 2009 by asserting right by birth in the suit property branding to be ancestral, has been dismissed by the trial Court and affirmed in appeal.

It was alleged that Sohan Lal was the third generation and plaintiff being 4th generation had right by birth. Ganga Sahai, great grand father of plaintiff was the owner. On his demise, property was mutated in the name of Nand Ram, grand father and then to Sohan Lal. Sohan Lal had vide transfer deed of 2009 had transferred land measuring 9 kanals to defendants No.4 to 6.

Defendants opposed the suit and denied nature and character of the property being ancestral.

Both the parties led essential evidence and on

preponderance of evidence, trial Court dismissed the suit which was affirmed by the lower Appellate Court.

Mr. Yadav, learned counsel appearing on behalf of the appellant submitted that mutation No.620, Ex.P1 of the year 1987-88 established that Ganga Sahai was owner of the property and on his demise was mutated in the name of Nand Ram. Since the transfer was created in 2009, married daughter acquired the right owing to amendment caused in Section 6 of the Hindu Succession Act in September, 2005.

I am afraid aforementioned argument is not sustainable for the simple reason that mutation Ex.P1 *ibid* shown to this Court did not reflect the ownership or acquisition by Sohan Lal. Neither any pedigree table or excerpt or *khatauni paimaish* has been produced on record to connect the old khasra numbers with new one, in essence, identity of the property alleged to be ancestral/coparcenary remained a mystery.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding of fact rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

March 20, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No