

**RSA-2041-2017 (O&M)**

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

**RSA-2041-2017 (O&M)  
Date of decision : 19.03.2019**

Ram Gopal @ Gopal (since deceased) through LRs

... Appellant

Versus

Subhash and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Rahul Makkar, Advocate  
for the appellant.  
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**AMIT RAWAL, J. (ORAL)**

The appellant-plaintiff has not been successful in asserting right to the extent of half share in the suit land owned by Ram Chander, who during his lifetime, relinquished his right, vide registered document dated 10.10.2011, in favour of the defendants, on the premise that the property in his hand was ancestral in nature.

The defendants denied the nature and character of the property being ancestral.

The plaintiff in support of pleadings brought on record certain revenue record and the defendants also led evidence to belie his stand.

Learned counsel appearing on behalf of the appellant-plaintiff submitted that the jamabandi reflected that Ram Chander had acquired the property from his father i.e. Baje Ram and that was enough to establish the nature and character of the property to be ancestral.

I am afraid the aforementioned argument is not sustainable, as

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for claiming the right, as indicated above, the plaintiff was required to prove that he along with Ram Chander, being brothers, had inherited the property from three generation and they are being fourth generation. In the absence of the same, subject matter of the lease deed, deemed to have been self acquired property of Ram Chander, who during his lifetime, relinquished his right, by way of registered document dated 10.10.2011, in favour of the defendants and died much later.

Keeping in view the aforementioned facts, the concurrent findings of fact and law arrived at by both the Courts below cannot be said to be suffering from illegality and perversity, much less, no substantial question of law arises for determination. No ground is made out for interference.

The appeal is accompanied by the applications seeking condonation of delay in filing and refiling.

I cannot also remain unmindful that the order dated 26.11.2018, imposing the costs of ₹6,000/- has not been complied with.

Resultantly, the present regular second appeal is dismissed on account of merits, limitation as well as non-compliance of order dated 26.11.2018.

**19.03.2019**  
Yogesh Sharma

**( AMIT RAWAL )**  
**JUDGE**

Whether speaking/reasoned    **Yes/ No**

Whether Reportable                **Yes/ No**