

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

**RSA No.3666 of 2017 (O&M)
Date of Decision.20.02.2019**

Ajit Singh

...Appellant

Vs

Kundan Singh (now deceased) and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ajaivir Singh, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in challenging the transfer deed and sale deed dated 29.08.2007 executed by his father Kundan Singh, defendant No.1 in favour of defendants No.2 and 3, being not binding owing to the fact that the property at the hands of father was ancestral.

It was alleged that he had right by birth as Kundan Singh had inherited the property from his forefather and he being 4th generation was having right.

Defendant opposed the suit and denied the nature and character of the property to be ancestral.

Since the parties were at variance the trial Court framed eight issues including the issue of relief.

Plaintiff examined Vijay Kumar, Special Kanungo as PW1, himself stepped into witness box as PW2 and Dalbir Kaur as PW3 and brought on record Ex.P1 to P16 whereas defendants examined Baldev Singh as DW1 and Dhanjit Singh as DW2.

Mr. Ajaivir Singh, learned counsel appearing on behalf

of the appellant submitted that original excerpt Ex.P1 to P15 brought on record proved the nature and character of the property to be ancestral but Courts below have erroneously rejected the same and dismissed the suit.

I have heard learned counsel for the appellant, appraised the paper book and of the view that statement of Vijay Kumar, Special Kanungo, PW1 in the statement recorded on 03.10.2012 categorically stated that he did not prepare the original excerpt Ex.P1 to P15. On the adjourned date i.e. 10.10.2012 subjected to cross-examination, stated that while preparing the aforementioned documents, did not tally with the original documents, therefore, there was no compliance of the High Court Rules and Orders as noticed by this Court in **Banta Singh and others Vs. Phuman Singh and others 1972 PLJ 275.**

In view of such circumstances, concurrent finding of fact and law rendered by the Courts below cannot be said to be suffering from illegality and perversity, 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

February 20, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No