

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 468 of 2018 (O&M)

Date of Decision: 04.04.2019

Taranjit Singh and another

...Appellants

VERSUS

Manohar Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Nagra, Advocate
for the appellants.

SURINDER GUPTA, J.

Plaintiffs, Taranjit Singh and Sukhbir Singh, sought declaration that they are in possession of 1/3rd share of the suit land, which is ancestral coparcenary and HUF property of parties. They also sought relief of permanent injunction to restrain defendants no. 1 and 2 from selling or alienating the suit land.

2. The Courts below dismissed the suit of plaintiffs with observation that they failed to prove that the suit property is joint Hindu family coparcenary property. This fact was proved that Himmat Kaur got the property from Puran Singh, great grandfather of plaintiffs by way of Will. She after becoming absolute owner sold her property to Ajay Bansal, who further sold it to defendants no. 9 to 11.

3. During course of hearing, learned counsel for appellants could not point out as to which document was relied upon by Courts below while observing that plaintiffs have failed to prove ancestral nature of property. Earlier Kulwant Singh, father of plaintiffs had challenged the sale made by Himmat Kaur in favour of Ajay Bansal who had failed upto this Court.

Now plaintiffs have come up with the same plea, who have failed to prove that the suit property was joint Hindu family coparcenary property.

4. No worthwhile argument has been advanced by learned counsel for the appellant to challenge observations of Courts below making out a case for interference in this appeal. No substantial question of law requiring determination arises in this appeal, which has no merit.

Dismissed.

April 04, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No