

Regular Second Appeal No.5407 of 2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.5407 of 2017 (O&M)

Date of Decision: February 06, 2019

Paramjeet Kaur @ Bholi

...Appellant

Versus

Harnek Singh @ Nek Singh & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Vikas Kumar, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

Appellant-plaintiff has not been successful in challenging the sale deed dated 22.04.2011 executed by her father Harnek Singh- defendant No.1 in favour of defendant No.2, brother-in-law, i.e., husband of other sister on the premise that the property at the hands of Harnek Singh was ancestral as he had inherited from his father.

It was alleged that by way of family settlement, all the sisters were given 12 kanals 6 marlas, though the same was not reflected in the revenue record. Defendant No.2 had wielded influence upon defendant No.1 in obtaining the sale deed. Non-appearance of the defendants was the testimony.

Mr. Vikas Kumar, learned counsel appearing on behalf of the appellant-plaintiff further added that daughters of defendant No.1 acknowledged the family settlement by the father in favour of four daughters, but despite that the courts below did not come to the rescue.

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I am afraid, the aforementioned argument is not sustainable as the nature and character of the property as ancestral has not been proved, for, Harnek Singh inherited the property only from his father. If he inherited the same from the grand-father, the plaintiff would have been 4th generation in lineage. Neither the plaintiff nor any witness examined by her stated which members were present when the family settlement took place. Even the same has not been reflected in the revenue record. Since defendant No.1, as recorded in the revenue record, was the exclusive owner, cannot be prevented from selling the property to any person, including defendant No.2.

For the reasons mentioned above, I do not find any illegality or perversity in the concurrent findings of fact, which are based on appreciation of oral and documentary evidence. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

February 06, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No