

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.6462 of 2018 (O&M)
Date of decision: 14.03.2019

Niranjan Singh

..... Appellant

Versus

Ravail Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vikram Anand, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM-18170-71-C-2018

Both the applications are allowed and the delay in filing/re-filing the appeal are condoned.

Main Case

Defendant No.5-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below while passing a preliminary decree for partition of the property.

The plaintiff claimed that he had purchased the property from Massa Singh who was co-sharer vide sale deed dated 10.12.2004. The defendant contested the suit and pleaded that the sale is illegal and forged. The defendants also set up a Will dated 18.11.1985 from Tulsi. Both the Courts on appreciation of evidence have held that the sale in favour of the plaintiff is proved and it is not illegal. As regards the Will, neither the original was produced nor any of the attesting witness of the alleged Will

was produced. In view thereof, the Courts below have passed a preliminary decree in favour of the plaintiff.

Learned counsel for the appellant, although, made sincere attempt, however, failed to point out any substantive error either in appreciation of evidence or perversity in the judgments passed by the Courts below.

In view thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

14.03.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No