

In the High Court of Punjab and Haryana at Chandigarh

**RSA- 4691 of 2019 (O&M)
Date of Decision: 23.1.2020**

Manvir Kaur and another

---Appellants

versus

Malkit Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. G.S.Kuka, Advocate
for the appellants**

Rekha Mittal, J.

CM No. 13385-C of 2019

Prayer in this application is for condoning delay of 16 days in
refiling the appeal.

Heard.

Allowed as prayed for. Delay of 16 days in re-filing the appeal
stands condoned.

Main case

Challenge in the present appeal has been directed against
concurrent findings recorded by the courts whereby plea of appellants-
plaintiffs that suit property measuring 162 kanal 16 marlas, detailed in head
note of the plaint, is joint Hindu family and coparcenary property of
plaintiffs and defendant No. 1 and transfer deed No. 63 dated 8.4.2009
executed by defendant No. 1 in favour of defendant No. 2 and sale of that
land by defendant No. 2 in favour of defendant No. 3 vide transfer deed of

2014 are liable to be set aside as transfer of land by defendant No. 1 in favour of defendant No. 2 is without legal necessity.

Both the courts have consistently held that suit land came to be owned by Malkit Singh-defendant No. 1 on the basis of decree passed in his favour and not on the basis of intestate or testamentary succession and as such, suit land was not ancestral coparcenary property in the hands of Sh. Malkit Singh in which the appellants-plaintiffs can claim right being coparceners.

Counsel for the appellants has not disputed factual finding recorded by the courts in this regard. He has not made any submissions that even if there was a decree in favour of defendant No. 1, the property can still be considered as ancestral coparcenary property in the hands of defendant No. 1. In this view of the matter, I do not find any reason to intervene in concurrent findings recorded by the courts.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

23.1.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No