

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

RSA No. 2203 of 2018(O&M)

Date of decision: 11.2.2020

Sampuran Singh (deceased) thru his LRsAppellant

VERSUS

Jaswant Singh (deceased) through his LRs and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.L. Sharma, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby suit for declaration that appellant/plaintiff is in possession of agricultural land jointly with Jaswant Singh – respondent No.1 by assailing gift deed dated 28.12.1970 registered on 05.01.1971 executed by Subedar Uttam Singh, father of the appellant and defendant No.1 in favour of defendant No.2 regarding the suit land situated in revenue estate of village Samrala District Ropar was dismissed by the trial Court vide decree and judgment dated 27.10.2014 that came to be affirmed in appeal by the Additional District Judge, Rupnagar.

Perusal of the judgments impugned makes it evident that mainstay of the appellant/plaintiff is that the suit land was ancestral coparcenary property in the hands of Subedar Uttam Singh in which the

appellant acquired a right by way of birth, Uttam Singh was not competent to execute the gift deed in favour of Kuldeep Kaur wife of Jaswant Singh, daughter in law of said Uttam Singh.

On January 7, 2020, order passed by this Court, reads as follows:-

“Certified copy of judgment and decree passed by the trial Court has been placed on record, in compliance with order dated 07.05.2019.

Challenge in the present appeal has been directed against concurrent findings whereby challenge to gift deed dated 28.12.1970 executed by Subedar Uttam Singh father of the plaintiff/appellant in favour of defendant No.2, his daughter in law has been challenged primarily on the ground that suit land was ancestral coparcenary property in the hands of Subedar Uttam Singh and as such he was not competent to transfer it by way of gift deed.

Arguing counsel for the appellant is stated to be unwell.

Adjourned to 11.02.2020.”

Counsel for the appellant has fairly conceded that there is no material on record to establish that land in dispute was ancestral coparcenary property in the hands of Sh. Uttam Singh in order to maintain a challenge to gift deed dated 28.12.1970 executed by its erstwhile owner. That being so, I do not find an error much less perversity in concurrent findings recorded by the Courts that would call for intervention.

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

FEBRUARY 11, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no