

S.No.105

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

RSA No.4482 of 2018 (O&M)

Date of Decision:07.01.2020

Harbir SinghAppellant
Vs.
Jagraj Singh and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Tara Dutt, Advocate for
Mr. Sunil K. Nehra, Advocate
for the appellant.

Rajbir Sehrawat, J.(Oral)

This is the second appeal filed by the appellant/plaintiff challenging the concurrent findings recorded by both the Courts below in a suit filed by him for declaration that the sale deed dated 07.11.2006 executed by the father of the appellant was null and void.

A perusal of the record shows that the case of the appellant/plaintiff was based upon the assertion that the said property was ancestral property; in which the appellant had a right by birth. The appellant was minor when his father had executed the alleged sale deed. His father had no authority to execute the sale deed qua the suit property. Hence, the sale deed could not have been binding upon the rights of the appellant.

After granting proper opportunity to lead the entire evidence, the trial Court did not find any substance in the assertion of the appellant qua the nature of the land being ancestral. Accordingly, the suit filed by the appellant was dismissed. The appeal filed by the appellant was also

dismissed for the same reason that the appellant had failed to prove the

ancestral nature of the suit land. It has been categorically recorded by the Court below that the appellant has not led any evidence to prove the ancestral nature of the land. No excerpts from the revenue records have been brought on record by the appellant to show the line of inheritance qua the said property. Not even any official from the Revenue Department has been examined by the appellant to support his claim. Hence, the assertion of the appellant that the suit property was ancestral property has not been substantiated by any cogent evidence.

Having heard the arguments and having perused the file, this Court finds that the judgment and decrees passed by the Courts below do not suffer from any legal infirmity or perversity. This Court also does not find any substantial question of law involved in the present case.

Hence, finding no merit in the appeal, the same is dismissed.

January 07, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No