

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

RSA No. 4566 of 2018(O&M)

Date of decision: 17.2.2020

Ranbir

.....Appellant

VERSUS

Smt. Ram Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Navneet Singh, 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 of the appellant claiming 1/12th share in land measuring 174 kanal 13 marlas situated in village Larsauli, Tehsil Ganaur, District Sonapat by challenging decrees passed in civil suit No.810 dated 01.12.1987, consequent mutation No.1767 dated 20.01.1988, civil suit bearing No.335 of 2004, consequent mutation No.2395, civil suit No.1036 of 1990, its consequent mutation, sale deed No.443 dated 09.05.2005, No.161 dated 08.09.2003 and mutations No.343 and 2310 on the basis of aforesaid sale deeds respectively, with a further prayer for possession of 1/12th share with consequential relief of prohibitory injunction was dismissed by the trial Court vide decree and judgment dated 28.02.2014 that came to be affirmed in appeal decided by the District Judge, Sonapat.

The appellant/plaintiff staked his claim to the suit property to the aforesaid extent by claiming himself to be grandson of Sobha Chand and the suit property being ancestral coparcenary property in the hands of Sh. Sobha Chand, therefore, Sobha Chand being not legally competent to

dispose of the suit property by way of aforesaid decrees at least to the extent of share of the plaintiff/appellant.

Perusal of the judgments would reveal that one of the issues raised in the case is, if the appellant/plaintiff is able to establish that Daya Nand, his father, was son of Sobha Chand having born out of wedlock of Sobha Chand and Pora. The Courts have recorded consistent findings negating plea of the appellant that Daya Nand, his father, was born out of wedlock of Sobha Chand and Pora and as such, he is the grandson of Sobha Chand. The Courts have taken note of written statement filed by Sobha Chand in previous litigation wherein he denied that he was married to Pora or Daya Nand was born out of his alleged wedlock with Pora.

Counsel for the appellant has failed to advance arguments much less convincing in order to show that concurrent findings recorded by the Courts negating plea of the appellant to be grandson of Sobha Chand suffer from an error much less perversity or the appeal raises a question of law that needs determination in second appeal. No sooner the appellant fails to prove himself to be grandson of Sobha Chand, he possibly cannot claim himself to be one of the co-parceners or entitle to a share in the suit property previously held by Sh. Sobha Chand. In the given circumstances, this Court need not to dilate on other issues adverted to by the Court in appeal.

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

FEBRUARY 17, 2020

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no