

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 4886 of 2018 (O&M)

Date of Decision: 05.03.2020

Avtar Singh

... Appellant(s)

Versus

Tarlok Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Amit Kohar, Advocate
for the appellant.

Mr. Abhishek Singh, Advocate
for the respondents.

Anil Kshetarpal, J.

The plaintiff/appellant has filed the regular second appeal against the concurrent finding of fact arrived at by both the Courts below while dismissing the suit filed by him for grant of declaration to the effect that he is owner in possession of 10 kanals 7 marlas of land being 1/4th share and also for declaration that the entries in jamabandi, made in favour of defendants No.1 to 3 in the column of ownership, are illegal and the gift deed dated 12.07.2005 executed by defendant No.4 in favour of defendants No.1 to 3 regarding the land measuring 41 kanals 8 marlas is illegal, null and void.

Defendant No.4-Narain Singh is father of the plaintiff and defendants No.1 to 3. He had executed a registered gift deed in favour of defendants No.1 to 3 on 12.07.2005. This gift deed was challenged on the ground that the property is ancestral and therefore, defendant No.4 has no right to alienate the property.

the plaintiff has failed to connect the old and new khasra numbers (pre-consolidation and post-consolidation) in order to prove that the land in dispute is ancestral.

Both the Courts below have further found that defendant No.4-Karam Singh had previously suffered a decree on the basis of a family settlement and had divided the property amongst the family members. Thus, both the Courts below held that the plaintiff failed to prove his case.

This Court has heard learned counsel for the parties at length and with their able assistance, has gone through the judgments passed by both the Courts below along with the record.

Learned counsel for the appellant has very fairly admitted that necessary material to connect the old and new khasra numbers is missing. The entire foundation laid by the plaintiff is on the ground that the property is ancestral in nature. In absence of the evidence to connect the land in dispute with the land of the ancestors, the plaintiff can not be granted any relief.

In view of the aforesaid facts, this Court does not find any good ground to interfere.

Dismissed.

The miscellaneous application(s), if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

March 05, 2020
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No