

In the High Court of Punjab and Haryana, at Chandigarh

**Review Application No. RS-34 of 2020 In
Regular Second Appeal No. 514 of 2000**

Date of Decision: 28.04.2021

Ajit Singh and Another

... Applicant(s)

Versus

Ujjal Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. G.S.Punia, Advocate
for the applicant/appellant.

Mr. Karan Bhardwaj, Advocate
for the non-applicant/respondent.

Anil Kshetarpal, J.

1. By this order, the application to review the judgment dated 21.05.2020 shall stand disposed of.
2. This Bench has heard learned counsel for the parties.
3. Learned senior counsel appearing for the applicant/appellant submits that there is a patent error in the judgment as while deciding question No. 2, this Court had reversed the finding of the first Appellate Court. He, hence, contends that consequently, the decree passed by the first Appellate Court was required to be modified.
4. Per contra, learned counsel representing the respondent contends that there is no error in the judgment passed.
5. While deciding the regular second appeal on 21.05.2020, this Bench had framed the following questions:

*“1. Whether a member of the family, who is not party to a
civil Court judgement & decree passed under the*

*provisions of Order XII Rule 6 CPC while asserting
factually incorrect facts is bound by the same?*

2. *Whether in absence of evidence to link/connect the sale
consideration received while disposing of the alleged
ancestral property, subsequent purchase made by the
common ancestor can be held to be Joint Hindu Family
Co-parcenary property?"*

6. While deciding the question No.1, the findings of the learned first Appellate Court were upheld. However, while deciding the question No.2, the findings of the learned first Appellate Court were reversed. Still further, it was noticed that the property detailed under Clause (d) of the caption of the plaint is the self-acquired property of Ajit Singh, defendant No.1.

7. Keeping in view the aforesaid facts, as a logical conclusion, the decree passed by the learned first Appellate Court was required to be modified qua the properties covered by Clause (a), (b) and (c) of the caption of the plaint. Hence, the last penultimate para of the judgment is modified and declared that the properties under Clauses (a), (b) and (c) of the caption of the plaint were self acquired properties . With this modification, the review application is disposed of.

**(Anil Kshetarpal)
Judge**

April 28, 2021
"DK"

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No