

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

RSA-439-2022 (O&M)

Date of decision: 02.03.2022

Maneet Singh and another

....Appellants

Versus

Bachan Singh

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kunal Dawar, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The defendants assails the concurrent findings of facts arrived at by the courts below while decreeing the suit for grant of decree of eviction, possession and damages. The respondent (plaintiff before the trial court) is appellant's father. He claims to be an exclusive owner of the house property. He sought possession on the ground that the license in favour of the appellants have been terminated. The appellants contested the suit on the ground that the property is not self acquired. Both the courts on appreciation of evidence have found that the property in dispute was gifted to the plaintiff by Sh. Bhim Sain. Some part of the property was also transferred in favour of Bhim Sain on 22.07.1986. Thus, both the courts concluded that the defendants have failed to prove their case.

Learned counsel representing the appellants has been heard at length. He submits that the property is proved to be ancestral and therefore, the appellants cannot be ordered to be evicted.

Both the courts have concurrently found that half share of the property has been received by Bachan Singh (plaintiff) from Bhim Sain through a gift deed whereas the remaining half was transferred by Ram Tikaya through document dated 22.07.1986. Thus the property cannot be said to be ancestral.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

02.03.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE