

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

111

RSA No.5376-2018(O & M)
Date of Decision : 22.04.2022

Ravish Sharma and another ...appellants

Versus

Smt.Kela Devi and others ...Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr.Rahul Vohra,Advocate for
Mr.Aditya Jain, Advocate
for the appellants

ANIL KSHETARPAL, J (ORAL)

CM-14841-C-2018

Prayer in the application is for condonation of delay of 11 days in re-filing the present appeal.

Allowed as prayed for. Delay of 11 days in re-filing the appeal is condoned.

RSA No.5376-2018

While assailing the concurrent finding of fact, the plaintiffs have filed a regular second appeal. They claim decree of declaration with a consequential relief of permanent injunction claiming that the residential house is a Joint Hindu Family coparcenary property. A family tree is being drawn to facilitate understanding of inter se relationship between the parties.

Omkar Nath Sharma(Father)			
Vijay Kumar Sharma (son)		Brij Mohan Sharma(son)	Usha Chhabra (daughter)
Rita Sharma (wife)		Asha Sharma (daughter)	
Sameer (son)		Ravish Sharma Manish Sharma (sons)	

Sh.Brij Mohan Sharma during his life time suffered a decree in favour of Vijay Sharma acknowledging his exclusive rights in the property. Defendant No.4 suffered a decree in favour of defendant No.3 and thereafter defendant No.3 sold the property to defendants No.1 and 2 on 19.12.2011. Ravish Sharma and Manish Sharma filed the suit on 26.07.2012 challenging the aforesaid sale deed. It has also come in evidence that their father Brij Mohan Sharma also filed a suit, which was dismissed on 05.02.2004.

Both the courts on appreciation of evidence have concurrently found that the sale in favour of defendants No.1 and 2 was a bona fide transaction and the plaintiffs failed to lead evidence that the property in question is a Joint Hindu Family Coparcenary property. It is evident that Brij Mohan Sharma after having suffered a decree has now filed the suit through his both sons.

Hence, no ground is made out to interfere in the impugned orders passed by the courts below.

Dismissed.

22.04.2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No