

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-6259-C-2021 in/&
RSA-1575-2021 (O&M)
Date of Decision :17.01.2023

Ankita

...Appellant

Versus

Sat Pal @ Satya Pal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajpreet Singh Brar, Advocate for
Mr. Pawandeep Singh, Advocate for the appellant.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-6259-C-2021

Present application has been filed for condonation of delay of
15 days in filing the accompanying appeal.

Keeping in view the averments made in the application, which
are duly supported by an affidavit, application is allowed. Delay of 15 days
in filing the present appeal is condoned.

RSA-1575-2021

Present regular second appeal has been filed by the appellant-
plaintiff so as to claim maintenance and declaration that the appellant-
plaintiff is entitled for mandatory injunction against the defendant No.1 to
pay the marriage expenses in the event of her marriage to the tune of
Rs.10,00000/- and also that defendant No.1 to pay Rs.10,000/- per month as
maintenance allowance to the appellant-plaintiff till she remains unmarried.

The said suit had been dismissed by the trial Court vide decree dated 30.03.2018 and the appeal preferred by the appellant-plaintiff has already been rejected by the lower Appellate Court vide order dated 24.10.2019, which orders are under challenge in the present regular second appeal.

The plea raised by the learned counsel for the appellant-plaintiff that the appellant has a right in the property of defendant No.1, who is her grandfather as the property owned by the defendant No.1 is an ancestral property hence, after the death of the father of the appellant-plaintiff, the appellant-plaintiff became entitled for said property by way of succession and is entitled for maintenance out of the said property as she has no source of income.

The trial Court on the basis of the evidence led, has already held that property for which, the claim is being made is not an ancestral property but is a personal property of defendant No.1 hence, the claim raised by the appellant-plaintiff is against the facts on record as well as law.

Learned counsel for the appellant-plaintiff has not been able to prove as to how the property being held by defendant No.1 is to be treated as ancestral property especially, on the basis of the evidence which had already come on record and a finding has already been recorded that the property for which, claim has been made by the appellant-plaintiff is not an ancestral property but personal property of defendant No.1.

Nothing has been shown that the evidence already on record has been misread or findings so recorded by the Courts below are perverted. In the absence of any perversity pointed out by the learned counsel for the appellant-plaintiff, the findings on the basis of evidence and facts cannot be

reversed by this Court to hold that property of defendant No.1 is an ancestral property so as to accept the claim of the appellant-plaintiff as being claimed by her.

No further argument has been raised by the learned counsel for the appellant-plaintiff.

Keeping in view the above, as no perversity has been pointed out by the learned counsel for the appellant-plaintiff in the findings so recorded by the Courts below, no interference is called for by this Court hence, the present regular second appeal is dismissed.

January 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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