

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1768 of 1990 (O&M)

Date of Order:18.03.2024

Jagmal (deceased) through his LRs and others

.Appellants

Versus

Richhpal Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tarunveer Vashist, Advocate
for the appellants.

ANIL KSHETARPAL, J

1. In this regular second appeal, the plaintiffs assail the correctness of the concurrent findings of fact arrived at by the courts below while dismissing their suit for possession.

2. In substance, the plaintiffs claim that the suit property is ancestral property and Sh. Lehri had no right to bequeath the property by executing a Will dated 16.09.1967, in favour of the defendants.

3. Both the courts on appreciation of evidence came to conclusion that the plaintiffs have failed to prove that the suit property was ancestral. Sh. Lehri was a proprietor with no heirs. He has bequeathed the property in favour of his nephews from other brother-Rupla.

4. This Bench has heard the learned counsel representing the appellants at length and with his able assistance perused the paper book.

5. The learned counsel representing the appellants submits that the suit property is proved to be ancestral and therefore, the courts have erred in dismissing their suit.

6. The learned counsel representing the appellants admits that the

parties belong to 'Jat community'. The District Sonipat was earlier part of District Rohtak. In Sube Singh and another vs. Kanhiya Singh and others, 1964(2) SCR, 899, there is no restriction amongst the 'Jat' to alienate the ancestral property. Moreover, the plaintiffs are nephews. Sh. Lehri was the 1st male holder in lineal descendant.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
8. Dismissed.
9. All the pending miscellaneous applications, if any, are also disposed of.

March 18, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO