



139 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-6-1992(O&M)
Date of decision : 20.05.2024

Raja Ram

...Appellant

Vs.

Ram Partap and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Kumar Verma, Advocate
for the appellant.

Ms. Shifa Kler, Advocate
for respondents No. 1 and 2.

ANIL KSHETARPAL, J. (Oral)

1. This is the plaintiff's regular second appeal against the concurrent findings of fact arrived at by the Courts below while partly decreeing his suit with respect to 1/4th share in the land measuring 45 kanals 04 marlas.

2. While filing the suit, the plaintiff claimed that he is the owner to the extent of 1/3 rd share in the land measuring 138 kanals 08 marlas and the judgment and decree dated 08.04.1981 suffered by his father Sh. Dhanpat in favour of his two brothers Sh. Ram Pratap and Sh. Sahib Ram is illegal, null and void. He is entitled to 1/4th share in the land measuring 45 kanals 04 marlas, which was decreed. The defendants while contesting the suit claimed that the plaintiff was separated 10 years ago and Sh. Dhanpat had purchased 10 acres of land in the name of plaintiff's wife.

3. Upon appreciation of evidence, both the Courts came to the conclusion that the plaintiff was separated 09-10 years before the filing of the



suit. The evidence led by the plaintiff was held insufficient to hold that the judgment and decree passed by the Court on 08.04.1981, was erroneous. The appellant appeared as his own witness. No other evidence was produced.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.
5. Learned counsel representing the appellant submits that the land measuring 138 kanals 08 marlas was a joint Hindu family property and the same could not be transferred by way of consent decree.
6. This Court has considered the submissions made by the learned counsel for the parties.
7. It has come on record that Sh. Dhanpat, the plaintiff's father purchased the property under Section 18 of the Punjab Security of Land Tenures Act, 1953, which enables the sitting tenant to purchase the property. Hence, the plaintiff has no pre-existing right in the same. Moreover, concurrent findings of fact has been arrived at which are not proved to be suffering from any error.
8. Hence, no ground to interfere is made out.
9. Dismissed.

20.05.2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No