

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

2024:PHHC:039883

RSA-2062-2019 (O&M)
Date of decision: 20.03.2024

KULBIR SINGH AND ORS

..Appellants

Versus

BALKAR SINGH (DECEASED) THROUGH LRS & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harpreet Singh Puri, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

1. This is plaintiffs’ regular second appeal against the concurrent findings of fact arrived at by the Courts below while dismissing their suit for grant of decree of declaration that the plaintiffs are co-owners to the extent of 1/8th share each and the transfer deed executed by their father in favour of their sister Smt. Charanjit Kaur is illegal, null and void. The entire suit of the plaintiffs is based upon the fact that the suit property is ancestral.
2. Both the Courts on appreciation of evidence have found that the suit property was not ancestral as at one point of time, the property was owned by Smt. Jindo, the grand-mother of the parties. It has also come on record that Sh. Kehar Singh transferred the property in favour of Smt. Jindo in the year 1937, who subsequently, transferred the property in favour of Sh. Balkar Singh (defendant No.1).
3. Hence, there is no error in the concurrent findings of the fact arrived at by the Courts below.
4. Dismissed accordingly.

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

March 20th, 2024
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(ANIL KSHETARPAL)
JUDGE

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