

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA No.1713 of 1994 (O&M)

Date of Order:26.04.2024

Lachhmi and others**.Appellants****Versus****Mangal Singh****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. M.K.Garg, Advocate, for the appellants.
 Mr. Vikas Singh, Advocate, for the respondent.**

ANIL KSHETARPAL, J

1. In this regular second appeal, the correctness of the concurrent findings of fact arrived at by the courts below while decreeing the plaintiff's suit for the grant of decree of declaration is challenged by the defendants. In substance, Sh. Jumma son of Sh. Kalu was lessee over the agricultural land measuring 114 kanals and 3 marlas.

2. The dispute is with regard to succession to the tenancy rights between the son of Sh. Jumma on one side and the daughter and daughter-in-law of a pre-deceased son on the other side. The son claims that he being male lineal descendant of Sh. Jumma has right to inherit the tenancy rights exclusively.

3. Both the courts below have relied upon Section 18 of the Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Act 1953 (hereinafter referred to as 'the 1953 Act') and Section 59 of the Punjab Tenancy Act, 1887, which provide that lineal male descendant are only entitled to inherit the tenancy rights. At one point of time Sh. Jumma claimed that he had become owner of the property on promulgation of the 1953 Act, however, he

failed to substantiate the same. It was declared that Sh. Jumma was a tenant, however, he was not a occupancy tenant.

4. The learned counsel representing the appellant failed to draw the attention of the court to any substantive error in the judgments passed by the courts below.

5. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

6. Dismissed.

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

April 26, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO