



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101-2)

RSA-3018-2004
Date of Decision:-09.12.2024

PADAM KUMAR AND ORS

... Appellants

Versus

RAM SINGH AND ANR

... Respondents

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CORAM: HON'BLE MR. JUSTICE ALOK JAIN

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Present:- Mr. J.S. Sharma, Advocate
for the appellants.

Mr. Aditya Yadav, Advocate
for respondent No.1.

Respondent No.2 stated to be expired
vide order dated 14.03.2024.

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ALOK JAIN, J. (Oral)

1. Present appeal arises out of Civil Suit No.16 of 1984 of 2000 decided on 30.08.2000 by the learned Civil Judge (Junior Division) Mahendergarh and appeal No.94 of 2000 decided on 12.05.2004 by the learned Additional District Judge, Narnaul, which were dismissed.
2. The contention raised by the appellants-plaintiffs is that the suit property was ancestral and coparcenary property and therefore, defendant No.2-Rattan Kumar could not alienate the suit property as there was no legal necessity at that time. However, the trial Court vide the judgment and



decree dated 30.08.2000 in Civil Suit No.16 of 1984 of 2000 dismissed the suit by returning the finding that defendant has established that the defendant No.2-vendor was in need of money therefore he alienated the land for valuable consideration and more so, the plaintiff could not establish that the suit land was ancestral property, at the time of sale qua the plaintiffs. It was also duly proved that the defendant No.2 alienated the property for valuable consideration.

3. The first appeal arising out of the abovesaid judgment and decree also came to be dismissed on 12.05.2004 and the First Appellate Court also returned a finding that the defendant No.2-Rattan Kumar was in need of money for repayment of loan to bank, for which he had made equitable mortgage. Hence the legal necessity was duly proved.

4. Learned counsel for the appellants submits that both the learned Courts fell in error in dismissing the suit of the appellants on the ground that the appellants were minor when the sale was executed and therefore, their rights were required to be protected at that relevant point of time. He further submits that defendant No.2-Rattan Kumar was drunken man and misused the entire sale consideration for his bad habits. He also submits that Rattan Kumar constituted a Joint Hindu Family and the property sold by him was without any legal necessity.

5. Heard learned counsel for the appellants at length and perused the record and evidence placed on record which clearly demonstrates that the sale deed dated 22.11.1985 was good in the eyes of law as the same was for repayment of loan taken by Rattan Kumar. More so, in the light of the facts that the appellants/plaintiffs failed to demonstrate that the said property



was coparcenary and have not led any evidence to the said effect, no substantial right vested with the appellants.

6. No other issue argued and finding no merit in the appeal much less any substantial question of law, the present appeal is dismissed.

09.12.2024
Gaurav Sorot

(ALOK JAIN)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No