



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-4978 of 2019 (O&M)
Date of Order:25.11.2024

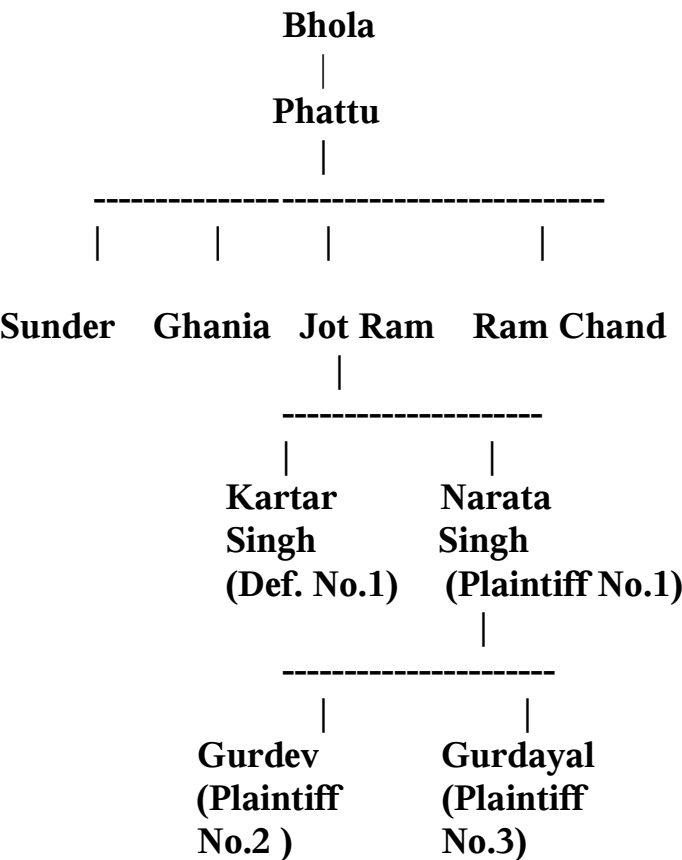
Narata Singh and others
Versus
Smt. Sukhwinder Kaur and another
..Appellants
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ravi Sharma, Advocate, for the appellants.

ANIL KSHETARPAL, JUDGE (Oral)

1. This Regular Second Appeal has been filed by the plaintiffs (appellants herein) to assail the correctness of the judgment and decree passed by the First Appellate Court which in turn has reversed/set aside the judgment and decree passed by the trial court.
2. For better comprehension, a short pedigree of the family is drawn as under:--





3. Defendant no.1 is Sh. Kartar Singh son of Sh. Jot Ram. Sh. Ram Chand died unmarried and hence, issueless. Before his death, he executed a registered gift deed dated 28.07.1998 in favour of the defendants. The plaintiff filed a suit for declaration to the effect that the gift deed dated 28.07.1998 is with respect to ancestral land which could not be alienated by way of a gift deed. It was alleged that previously Sh. Jot Ram had executed a gift deed which was subsequently challenged by defendant no.1. The plaintiffs allege that the parties are governed by custom and hence Sh. Ram Chand had no right to gift the property.

4. The defendants contested the case on the ground that Sh. Ram Chand was the last male holder and hence he was sole and exclusive owner of the property and being the exclusive owner he could alienate the same in any manner.

5. The trial court decreed the suit on the ground that the parties are governed by custom and the previous suit filed by defendant no.1 was decreed. The first appellate court upon re-appreciation of the evidence found that the plaintiffs have failed to prove the custom which debars the last male holder to alienate the property by way of a gift deed. Thus, the first appellate court accepted the appeal.

6. The learned counsel representing the appellants has failed to draw the attention of the court to any evidence to prove that there existed a custom prohibiting last male holder from alienating the property by way of gift deed.

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.

(ANIL KSHETARPAL)
JUDGE

November 25, 2024
nt

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