

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:009746

RSA-1390-2021 (O&M)
Date of decision: 24.01.2024

SWARAN SINGH

..Appellant

Versus

LAKHWINDER SINGH @ LAKHA (DECEASED) THROUGH LRS.
AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sharad Mehra, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

CM-5520-C-2021

1. For the reasons stated in the application for condonation of delay which is supported by an affidavit, the application is allowed.
2. The delay of 74 days in filing the appeal is condoned.
3. CM stands disposed of.

Main case

4. In this regular second appeal, the plaintiff assails the correctness of the concurrent findings of facts arrived at by the Courts below while dismissing his suit for grant of decree of declaration that he is a co-owner to the extent of $\frac{1}{3}^{\text{rd}}$ share in the suit land. In a nutshell, the appellant claims share in the property of his uncle Sh. Fauja Singh. It is the case of the plaintiff that Sh. Fauja Singh died issueless, whereas, the defendants have produced registered adoption deed dated 18.12.1961 to prove that Sh. Lakhwinder Singh was adopted by Sh. Fauja Singh. The suit was filed by the plaintiff after a period of 52 years from the date of registered adoption. The registered document carries a presumption of correctness. It was more than

30 years old registered document. The plaintiff has not led any evidence to rebut the aforesaid presumption.

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

6. Dismissed accordingly.

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

January 24th, 2024
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(ANIL KSHETARPAL)
JUDGE

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