

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

(121)

**2024:PHHC:011648
RSA-745-2015(O&M)
Date of Decision: 29.01.2024**

Dayanand

--Petitioner

Versus

Dev Karan & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present:- Mr. Rajesh Sharma, Advocate for
Mr. Balkar Singh, Advocate for the appellant.

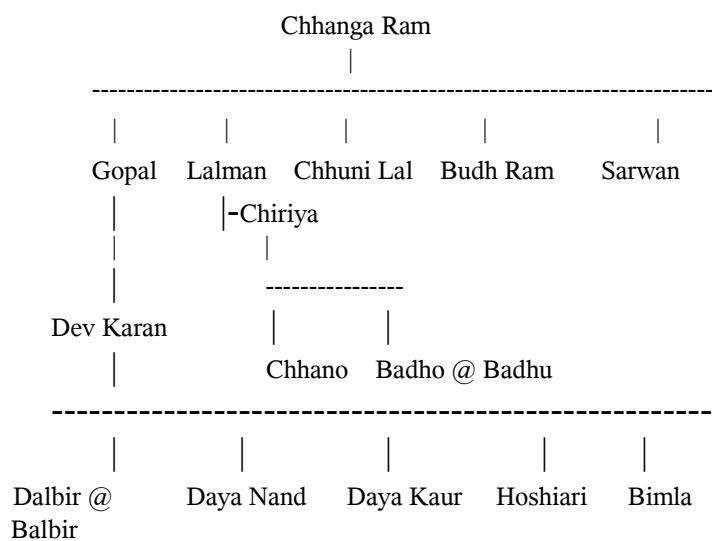
Mr. Manish Mehta, Advocate for respondent no.1.

Respondent Nos.2 to 7 proceeded ex parte vide
order dated 21.04.2016.

ANIL KSHETARPAL.J (Oral)

1. In this Regular Second Appeal the plaintiff assails the correctness of concurrent finding of fact arrived at by the courts below while dismissing plaintiff's suit for grant of decree of declaration. In substance, the plaintiff claims a decree of declaration that his mother Chiriya entered into a *Kareva* marriage with Gopal after the death of Lalman and therefore they constituted a smaller coparcenary excluding Chiriya and Budh Ram.

2. In order to understand the controversy involved in the present case, pedigree table showing inter se relations between the parties is drawn as under:-



3. Defendants while filing the written statement claimed that originally defendant no.1 was *Gair Marusi* defendant over land measuring 7 bigha 18 biswa. He was issueless being bachelor. He purchased the property through his income vide sale deed dated 30.06.1958 for Rs.2,000/-. The plaintiff and defendants are children of Lalman and Chiriya never married Gopal after the death of Lalman. Defendant no.1 subsequently gifted the property to defendant no.2.
4. Both the courts on appreciation of evidence have found that the property was self acquired property of Gopal and therefore the plaintiff Dayanand, who was son of Lalman had no right, title or interest in the same.
5. Learned counsel representing the appellant, though, made sincere attempt, however, failed to draw attention of the Court to any substantive error or perversity.
6. Hence, there is no ground to interfere in the present second appeal and the same is accordingly, dismissed.

(ANIL KSHETARPAL)

JUDGE

29.01.2024

lucky

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No