



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

112

RSA-6132-2017 (O&M)

Date of decision: 11.12.2024

MAYA DEVI

...APPELLANT

VERSUS

JINDA SINGH & ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. V.K. Pujara, Advocate for
Mr. C.S. Rana, Advocate
for the appellant.

ALOK JAIN, J. (ORAL)

1. The present appeal has been filed assailing the judgment and decree dated 19.02.2015 passed by the trial Court dismissing the suit filed by the appellant/plaintiff and subsequently, the judgment and decree dated 15.03.2017 whereby the appeal filed by the appellant/plaintiff has also been dismissed.

2. Learned counsel for the appellant/plaintiff submits that the suit for declaration was filed for claiming joint possession of the property with the respondents/defendants on the ground that respondent No.1/defendant No.1 is father of the appellant/plaintiff, respondents No.2 & 3/defendants No.2 & 3 are brothers of the appellant/plaintiff and respondent No.4/defendant No.4 is the sister of the appellant/plaintiff and they were living in a joint family. It was also pleaded that the land in question was purchased in the name of her father, however, for which joint contribution of money was made by the appellant/plaintiff and respondents/defendants. It is further submitted that respondent No.1/defendant No.1 is spend thrift person and took intoxicants and in order to fulfill his lust for drinking and intoxication, respondent No.1/defendant No.1 wanted to alienate the said land in question. Therefore, the

suit was filed seeking declaration that respondent No.1/defendant No.1 has no



right to sell the share of the appellant/plaintiff.

3. Heard the learned counsel for the appellant/plaintiff and after going through the evidence available on record, what comes out is that the appellant/plaintiff was 6-7 years old in the year 1980/81 when the property was purchased and moreover, the property in question was a self-acquired property of respondent No.1/defendant No.1, who is father of the appellant/plaintiff. The appellant/plaintiff could not demonstrate any evidence as to what was her contribution in the said property, while it was specific stand of respondent No.1/defendant No.1 that appellant/plaintiff being his daughter was given *istridhan* on her marriage and *moreso*, the said property was self-acquired property. The appellant/plaintiff has failed to prove her case and stand on her own legs and admitted that she was only 6-7 years old at the time of allotment of the said property. The fact that any contribution was made by the appellant/plaintiff for purchase of the property stands unfounded. Since the property is a self-acquired property, in the hands of respondent No.1/defendant No.1, he would have right to dispose of the same as per his own wish. *Moreso*, the appellant/plaintiff also admitted that the entire amount was paid by her father i.e. respondent No.1/defendant No.1.

4. In light of the above finding, this Court does not find any merit in the present appeal and the same is dismissed and it fails to raise any substantive question of law or any infirmity or perversity in the decision by the Courts below.

5. All pending miscellaneous application(s), if any, also stands disposed of.

December 11, 2024

Nisha Yadav

**(ALOK JAIN)
JUDGE**