



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

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**RSA-2433-2024 (O&M)
Date of decision: 21.08.2025**

NAHAR SINGH AND ANOTHER

....appellants

Versus

JAGBIR SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present : Mr. Sanjeev Majra, Advocate for the appellants.

PARMOD GOYAL. J.(Oral)

1. Plaintiffs-appellants aggrieved by impugned judgment and decree dated 13.05.2019 passed by learned Additional Civil Judge, (Senior Division) Assandh and judgment and decree dated 03.07.2024 passed by learned District Judge, Karnal, have preferred the present appeal.
2. Vide impugned judgments suit of plaintiffs for declaration to the effect that sale deed bearing Vasika No.1307/1 dated 17.07.2015 and mutation No.6652 entered and sanctioned, on the basis of aforesaid sale deed and other subsequent entries in the jamabandies are illegal, null and void, in effective, in operative and not binding upon the rights of the plaintiffs-appellants. They have also sought consequential relief of permanent injunction.
3. Plaintiffs-appellants vide their suit had claimed that their grandfather Jaswant Singh, son of Shri Pala Singh @ Gopal Singh was owner in possession of



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ancestral agriculture land measuring 8K-0M being 40/73 share of land measuring 14K-12M, comprised in khewat no.181 kittas 6 situated in village Kheri Sharaf-Ali, Tehsil Assandh, District Karnal. It was asserted that the land in hands of Shri. Jaswant Singh was ancestral and was inherited from Pala Singh @ Gopal Singh and therefore, execution of sale deed dated 17.07.2015 is not binding upon the rights of plaintiffs/appellants, who had pre-existing right being co-parcenary in the suit property.

4. The suit was contested by defendant No.1 by raising number of preliminary objections and on merits ancestral nature of suit property was denied and it was asserted that the suit property in the hands of Jaswant Singh was self-acquired property and therefore, neither plaintiffs had any pre-existing right nor any right to object to the sale deed made by Jaswant Singh in favour of defendant No.1.

5. Learned trial Court after considering respective contentions of the parties had framed following 07 issues, which reads as under:-

- “1. Whether the plaintiff is entitled for decree of declaration as prayed for in view of the ground mentioned in the plaint? OPP*
- 2. Whether the plaintiff is entitled for decree of permanent injunction as prayed for in view of the grounds mentioned in the plaint? OPP*
- 3. Whether suit is not maintainable in the present form? OPD*
- 4. Whether plaintiff has no locus standi to file the present suit?*
- 5. Whether plaintiff has not come to this Hon’ble Court with clean hands? OPD*
- 6. Whether the suit is time barred? OPD*
- 7. Relief.”*

6. After considering the evidence and contentions of both the parties



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issues No.1 and 2 were decided against the plaintiffs-appellants and in favour of the defendants. Issues No.3 and 4 were decided in favour of defendants and against the plaintiffs-appellants. Issues No.5 and 6 were treated as given up and suit of plaintiffs-appellants was dismissed.

7. The plaintiffs-appellants had preferred an appeal, which was also dismissed by the First Appellate Court vide judgment & decree dated 03.07.2024, whereby the appeal was found to be without any merit, and the findings of the learned Trial Court on all issues were affirmed.

8. Aggrieved by the impugned judgment and decree, whereby both the Courts have concurrently held that the suit property is not ancestral and that the plaintiffs-appellants have no pre-existing rights in the suit property, the plaintiffs-appellants are, therefore, not entitled to claim any right over the suit property or seek setting aside of the sale deeds, plaintiff-appellants have preferred present appeal challenging concurrent findings of facts.

9. Learned counsel for the plaintiffs-appellants has argued that the learned Courts below have erred in deciding Issues No. 1 and 2 against the plaintiffs-appellants, as the plaintiffs-appellants had duly proved that the suit property was purchased by Pala Singh @ Gopal Singh, the great-grandfather of the plaintiffs/appellants, by way of a sale deed. However, the mere fact that the suit property was purchased by the great-grandfather of the plaintiffs/appellants is not sufficient to conclude that the property is coparcenary or ancestral in nature.

10. In order to determine the nature of coparcenary/ancestral property, it is necessary that the suit property has been succeeded by four generations. There is no evidence on record to show with whom Pala Singh @ Gopal Singh formed a



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coparcenary. It is also not established on record, as no evidence was led to prove that Jaswant Singh inherited the property as a coparcener along with other coparceners after the death of Pala Ram.

11. The nature of succession in favour of Jaswant Singh has not been established by the plaintiffs-appellants, which the plaintiffs-appellants were bound to establish. Jamabandi on which reliance to show succession in favour of Jaswant Singh was placed was not even proved in accordance with law as its translator has stated to have only seen photocopy and not original. Therefore, translation of jamabandi upon which reliance has been placed by appellant cannot be read in evidence and has been rightly ignored by courts below. No record that Pala Ram got land in lieu of land left in West Pakistan was placed.

12. It is worth noting that no objection was ever raised by Gurbaksh Singh, son of Jaswant Singh and father of the plaintiffs/appellants, to sale deed executed in favour of Defendant No.1 by Jaswant Singh. It was only after the death of their father and grandfather that the plaintiffs-appellants raised objections to the sale of the property in favour of Defendant No.1 by Jaswant Singh, who was the grandfather of the plaintiffs/appellants.

13. In the absence of any evidence to show that the suit property was coparcenary in nature and had come into the hands of Jaswant Singh through four generations, no relief can be granted to the present appellants. The appellants cannot be held to be coparceners having pre-existing rights in the suit property specially when they were living separately from their father on account of matrimonial disputes between their father and mother.

14. These fact goes to prove that suit property was individual property of

Jaswsant Singh and was not ancestral. Mother of plaintiffs while appearing as plaintiff’s witness in her cross-examination had admitted that Jaswant Singh had transferred land measuring 6K-12M in favour of plaintiff-Nahar Singh. The transfer in favour of Nahar Singhwas never challenged by alleged coparcener and infact goes to prove that Jaswant Singh was exclusive owner of suit property.

15. The findings of the learned Courts below are fully supported by the evidence led by the parties and, therefore, cannot be faulted. No substantial question of law arises from the present appeal or has been demonstrated by the learned counsel for the appellants before this court. Hence, there is no merit in the present appeal.

16. Dismissed.

21.08.2025
amandeep

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No