

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

**RSA No.1357 of 2024 (O&M)
Date of decision : 28.01.2026**

Narinder and others

....Appellants

Versus

Sher Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Varun Katyal, Advocate and
Mr. Satyam Sharma, Advocate
for the appellants.

PANKAJ JAIN, J. (ORAL)

CM-5328-C of 2024

This is an application filed under Section 151 CPC seeking
condonation of delay of 27 days in re-filing the instant appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicants/appellants have made out a sufficient cause for
condonation of delay.

Consequently, the present application is allowed. The delay of
27 days in re-filing the instant appeal is hereby condoned.

RSA No.1357 of 2024

Plaintiffs No.1 and 2 are in appeal.

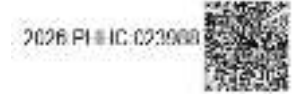


2. For convenience, the parties hereinafter are referred to as by their original position before the Court of the First Instance i.e., the appellants as plaintiffs No.1 and 2, respondents No.1 to 12 as defendants No.1 to 12 and proforma-respondent No.13 as plaintiff No.3.

3. The dispute involved in the *lis* relates to estate left by Bachan Singh. Plaintiffs/appellants are legal heirs of Bahadur Singh son of Bachan Singh. By way of present suit, they are seeking declaration to the effect that they are owners in joint possession to the extent of 1/8 share in the suit property. They have challenged various sale deeds executed by late Bachan Singh in favour of defendants No.4 to 12, claiming that the same executed by Bachan Singh as *Karta* of joint Hindu family, are without legal necessity and are thus illegal, null and void *qua* their rights.

4. As per the plaintiffs, Bachan Singh inherited property from his father Ishar Singh, who further got the same from his father Bahlu Ram. The property thus being ancestral in the hands of Bachan Singh, their predecessor-in-interest namely Bahadur Singh son of Bachan Singh had a right by birth. Sale of property by Bachan Singh without any legal necessity is an act of waste and is not good management. Plaintiffs are entitled to decree of declaration as they have become co-owners in possession of the same after death of Bachan Singh on 18.07.2009.

5. Suit was contested by defendants.



5.1. Defendants No.1 and 2 filed written statement denying the claim of the plaintiffs.

5.2. Defendants No.4 to 8 in their written statements claimed themselves to be *bona fide* purchasers for consideration from late Bachan Singh.

5.3. On the same lines, defendants No.9 to 12 filed their written statement.

5.4. Defendants No.3 filed written statement admitting the claim of the plaintiffs.

6. Both the Courts below have non-suited plaintiffs, holding that they failed to prove the property in the hands of Bachan Singh as ancestral.

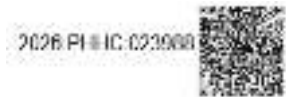
7. Mr. Katyal appearing for the appellants has assailed the findings recorded by the Courts below contending that it stands proved that the property was inherited by Bachan Singh from his father Ishar Singh, who inherited the same from his father Bahlu Ram. Excerpt report Exhibit PW4/A was tendered into evidence to prove the same. The document was proved by examining Harbans Singh, Special Kanungo and the author of excerpt report. The documentary evidence has been totally ignored by the Courts below which has led to perverse findings.

8. I have heard counsel for the appellants and have gone through records of the case.



9. Fate of the suit filed by the plaintiffs hinges on the issue of land in the hands of Bachan Singh being ancestral. Plaintiffs in order to prove ancestral nature of property rely upon Excerpt report, Ex.PW4/A. In order to prove the same, they examined Special Kanungo, Harbans Singh as PW4. Though he claimed that the excerpt is as per the revenue record, but in his cross-examination, he admitted that the original revenue record is in Urdu script. He is not versed with the Urdu script and had to rely upon translation made by Hardev Singh retired Kanungo. Translated copies of the revenue records were not placed on record. Original revenue record for the year 1907-1908 till 1926-1927 was not produced. No effort was made to examine Hardev Singh, the revenue official, who translated record from Urdu to Punjabi. In these circumstances, this Court finds that no fault can be found with the Courts below discarding document Exhibit PW4/A. Even if the same is ignored, it has come on record that Bachan Singh and Amar Singh two sons of Ishar Singh, inherited property from their father to the exclusion of their sisters.

9.1. That apart, it has come on record that in the earlier *lis* initiated at the behest of defendant No.3, who in the present suit has supported the cause of the plaintiffs, it was admitted that the property in the hands of Bachan Singh was his self-acquired property. Defendant No.3 in the said suit admitted that property was sold by their father Bachan Singh as he was in need of money. He also admitted that he along with his brother purchased



land in Patiala from the sale proceeds shared by their father after selling the land.

10. In view of above, this Court finds that the plaintiffs having miserably failed to prove the property in the hands of Bachal Singh as ancestral property, Courts below have rightly dismissed the suit.

11. Ld. Counsel appearing for the appellants has not been able to point out any piece of evidence that was ignored or was misread by the Courts below.

12. Pure findings of fact have been recorded by the Courts below.

13. Finding no question of law involved in the present appeal, the same is ordered to be dismissed.

January 28, 2026

(Pankaj Jain)
Judge

Dpr

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