



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1756-2025 (O&M)

Reserved on : 24.02.2026

Date of Decision : 07.03.2026

Judgment uploaded on : 07.03.2026

Whether only the operative part of the judgment is pronounced or whether the full judgment is pronounced: Full

Harbhajan Singh (since deceased) through LRs

....Appellants

VERSUS

Joginder Singh & Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Himani Kapila, Advocate for the appellants.

ALKA SARIN, J.

1. The present appeal has been preferred by the plaintiff-appellants challenging concurrent findings returned by the Trial Court and the First Appellate Court vide judgments and decrees dated 06.03.2019 and 10.03.2025 respectively.

2. The brief facts relevant to the present case are that the plaintiff-appellants and the defendant-respondents belong to one family. Defendant-respondent No.1 is the father of the original plaintiff (Harbhajan Singh) and defendant-respondent Nos.2 and 3. The plaintiff-appellants filed a suit for declaration with consequential relief of permanent injunction alleging that the suit land is joint Hindu family co-parcenary property. The sale deed executed by defendant-respondent No.1 in favour of defendant-respondent No.4 was also challenged. As per the plaintiff-appellants the suit land was

ancestral joint Hindu family co-parcenary property which was inherited by defendant-respondent No.1 from his forefathers and defendant-respondent No.1 was the Karta of the joint Hindu family co-parcenary property while the original plaintiff (Harbhajan Singh) and his brothers - defendant-respondent Nos.2 and 3 - are members and coparceners having a right in the suit land since birth. It was averred that the defendant-respondent No.1 had no right to alienate the suit land without legal necessity, but he had already alienated a portion of the suit land in favour of defendant-respondent No.4. Hence, the suit. In the written statement defendant-respondent Nos.1 to 3 denied that the suit land was inherited by the defendant-respondent No.1 from his forefathers or was joint Hindu family co-parcenary property. It was also submitted that defendant-respondent No.1 was the absolute owner in possession of the suit land and had every right to alienate the same. It was further submitted that defendant-respondent No.1 was a small land owner who was not in a position to maintain himself and thus he has every right to alienate the suit land for his own legal necessity. Subsequently, defendant-respondent Nos.1 to 3 did not contest the suit and were proceeded against ex-parte. The defendant-respondent No.4 contested the suit on the grounds that the suit land was not ancestral joint Hindu family co-parcenary property but was the self-acquired property of defendant-respondent No.1 who had executed the sale deed dated 23.05.2014 in her favour qua land measuring 6 Kanal for valuable consideration of Rs.7,50,000/- and that she was in possession of the land purchased by her. The plaintiff-appellants filed replication to the written statement of defendant-respondent No.4 wherein

the contents of her written statement were denied and those of the plaintiff were reiterated.

3. On the basis of the pleadings of the parties the following issues were framed :

1) Whether plaintiff is entitled to the relief of declaration as prayed for ? OPP

1(A) Whether property in dispute is ancestral Joint Hindu Family coparcenary property having defendant no.1 as its Karta ? OPP

2) Whether the plaintiff is entitled to the relief of permanent injunction as prayed for ? OPP

2(A) Whether the present suit has been filed within the period of limitation ? OPP

3) Whether suit of the plaintiff is not maintainable in the present form ? OPD

4) Whether the plaintiff has no locus standi to file the present suit ? OPD

5) Relief.

4. The Trial Court vide judgment and decree dated 06.03.2019 dismissed the suit. Aggrieved by the same, an appeal was preferred by the plaintiff-appellants which appeal was also dismissed vide judgment and decree dated 10.03.2025. Hence, the present regular second appeal.

5. Learned counsel for the plaintiff-appellants would contend that both the Courts have erred in dismissing the suit of the plaintiff-appellants. It is submitted that the suit land was ancestral property in which the original

plaintiff (Harbhajan Singh) had a share by birth and that defendant-respondent No.1 could not alienate the same without any legal necessity.

6. I have heard the learned counsel for the plaintiff-appellants.

7. In the present case both the Courts have found that the plaintiff-appellants had not been able to prove that the suit land was ancestral property. Apart from the oral testimonies, the plaintiff-appellants could not establish from any documentary evidence that the suit land was ancestral property. No documentary evidence has been pointed out to show that the suit land was coming through four male lineal descendants. The Trial Court held that *“However, from the careful perusal of these Jamabandis and the Punjabi Translations of the Jamabandis for the year 1942-43, proved in the evidence of PW-4 Sh. Mansoor Ahmad, Advocate, which are Ex.PW4/1 to Ex.PW4/10, it is crystal clear that originally the property in dispute is shown to be owned by Dyal Singh, father of defendant no.1, who was admittedly having four sons and two daughters namely Joginder Singh, Piara Singh, Teja Singh, Ninder Singh, Piar Kaur and Durgi. After his death, his estate was inherited by all his legal heirs and their names were incorporated in the revenue record accordingly. Nothing was produced on record by plaintiff proving that the said Dyal Singh, father of Joginder Singh, defendant no.1 had also inherited the suit property from his forefathers. So, plaintiff has only succeeded to prove on record the ancestral nature of the property in dispute to the extent of two generations and failed to prove that the suit property was inherited by Joginder Singh, defendant no.1, from his last four generations, to bring it under the four corners of a coparcenary property. So, it is clear that no plausible evidence has been led to prove that the suit*

land is Joint Hindu Family Coparcenary property as alleged". In the appeal the First Appellate Court held that "In the present case even plaintiff/appellant has not proved any pedigree table from which it can be gathered as to how the suit property has devolved as he was also required to prove that it was inherited from three male lineal ancestors and that current owner is lineal descendant of those ancestors, holding it as Joint Family Property. Moving further, the case of the appellant is also silent as to how and when his father respondent no.1 Joginder Singh inherited the suit property and whether it was by way of survivorship or by way of succession under section 8 of Hindu Succession Act because if coparcenary, ancestral or Joint Hindu Family Property succeeds on death of common ancestor under section 8 of Hindu Succession Act, the property received under intestate succession has to be treated as self acquired property and not the coparcenary property as held by Hon'ble Punjab & Haryana High Court in Maan Jain Vs. Suraj Parkash Jain 2018 (3) RCR (Civil) 759". Since the plaintiff-appellants have failed to prove that the suit land was ancestral and joint Hindu family co-parcenary property and it devolved upon defendant-respondent No.1 by way of survivorship by way of fourth generation in continuity, the judgements and decrees passed by both the Courts cannot be faulted. Learned counsel for the plaintiff-appellants is unable to point to any cogent and reliable evidence on the record to show that the suit land was ancestral and joint Hindu family co-parcenary property. In the absence of such reliable evidence, the findings recorded by both the Courts are unimpeachable. No other point was argued.

8. In view of the above, no mistake or error of law or facts can be found with the judgments and decrees passed by both the Courts. No question of law, much less any substantial question of law, arises in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

07.03.2026
jk

**(ALKA SARIN)
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO