



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

(132)

RSA-1359-2020 (O&M)
Date of Decision: **06.05.2026**

KIRAN PAL AND ANOTHER

... Appellants

Versus

SUBHASH CHAND AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Ms. Meenakshi Saroop, Advocate and
Mr. Manmohan Saroop, Advocate
for the appellants.

VIRINDER AGGARWAL, J. (Oral)

1. The present Regular Second Appeal (hereinafter referred to as “RSA”) has been instituted against the concurrent judgments and decrees passed by the learned Courts below whereby the suit filed by the appellants–plaintiffs seeking declaration and permanent injunction came to be dismissed.
2. The appellants–plaintiffs instituted a suit challenging sale deed No.527/1 dated 26.01.2003, supplementary sale deed No.1410/1 dated 19.06.2006 along with mutation No.917 sanctioned pursuant thereto, gift deed No.2227/1 dated 05.11.2007 along with mutation No.997, and sale deed No.2658/1 dated 23.10.2009 together with mutation No.995 sanctioned on the basis thereof, alleging the same to be illegal, null and void, and not binding upon their rights. A consequential relief of permanent injunction was also sought.



3. It was the specific case of the appellants–plaintiffs that the suit property constituted ancestral and coparcenary property of a Joint Hindu Family and that respondent–defendant No.4 was functioning as the Karta thereof. The impugned sale deeds and gift deed were assailed primarily on the ground that the alleged alienations had been effected by the Karta without any legal necessity or benefit to the estate, thereby rendering the transactions liable to be set aside.

4. The suit was contested by the defendants, who categorically denied the ancestral and coparcenary character of the suit property and asserted that the same was the self-acquired property of respondent–defendant No.4. It was further pleaded that the impugned transactions had been executed for valid consideration and bona fide legal necessity, and that the vendees were bona fide purchasers for valuable consideration. Upon appreciation of the pleadings and evidence on record, the learned trial Court dismissed the suit. The appeal preferred by the appellants–plaintiffs also came to be dismissed, with both the Courts below concurrently holding that the suit property was not ancestral or coparcenary in nature but constituted the exclusive self-acquired property of respondent–defendant No.4.

5. Aggrieved by the concurrent findings recorded by the learned Courts below, the appellants–plaintiffs have approached this Court by way of the present RSA.

6. The entire edifice of the appellants’ case rests upon the assertion that the suit property was ancestral and coparcenary property in the hands of respondent–defendant No.4. It is only upon establishing that



respondent–defendant No.4 was the Karta of a Joint Hindu Family possessed of ancestral coparcenary property that the appellants–plaintiffs could claim any subsisting right, title, or interest therein so as to challenge the impugned sale deeds and gift deed. Conversely, if the property is held to be the separate and self-acquired property of respondent–defendant No.4, the appellants–plaintiffs would have no locus standi to assail the alienations effected by him during his lifetime.

7. Upon a comprehensive appraisal of the entire evidentiary material available on record, this Court does not find any illegality, perversity, or infirmity in the concurrent findings recorded by the learned Courts below. A part of the suit property admittedly devolved upon respondent–defendant No.4 pursuant to a Civil Court decree dated 11.02.1957, duly reflected through mutation No.574 (Ex.P27), which stands proved on record. The remaining portion of the property was inherited by respondent–defendant No.4 from his father on the strength of a testamentary disposition executed by Shiv Nath, whereupon mutation No.846 (Ex.P26) was sanctioned and duly proved.

8. Since the entirety of the suit property came into the hands of respondent–defendant No.4 either by virtue of a judicial decree or through testamentary succession under a Will, the learned Courts below have rightly concluded that the property constituted the self-acquired and exclusive property of respondent–defendant No.4 and not ancestral coparcenary property. Consequently, respondent–defendant No.4 was fully competent in law to alienate, transfer, or otherwise deal with the said property in any manner during his lifetime.



9. The appellants-plaintiffs are demonstrably devoid of the requisite *locus standi* to maintain a challenge against the impugned sale and gift deeds executed by respondent-defendant No. 4. It is a fundamental postulate of property law that a party seeking to impugn a registered conveyance must establish a subsisting right, title, or interest in the *res*.

9.1. In the instant case, the appellants have failed to prove any pre-existing title or the existence of a coparcenary interest that would grant them the standing of an 'aggrieved person'. Absent such a proprietary nexus, they remain strangers to the instruments, possessing no legal mandate to interfere with the alienations made by the rightful owner.

9.2. As the appellants lack the *jus in rem* necessary to sustain the current litigation, the challenge is fundamentally misconceived. Consequently, there being no substantive merit or legal foundation in the grievances raised, the appeal is liable to be **dismissed** in its entirety.

10. Consequent upon the final adjudication of the present Regular Second Appeal, all pending miscellaneous applications, if any, shall also stand disposed of accordingly, no separate orders being required thereon.

06.05.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No