



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decisoin : July 10, 2025

(i) RSA No.2251 of 2022 (O&M)

Prithipal Singh Appellant

Vs.

Gurdeshwar Dass and others Respondents

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(ii) RSA No.2307 of 2022 (O&M)

Prithipal Singh Appellant

Vs.

Gurdeshwar Dass and others Respondents

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(iii) RSA No.2310 of 2022 (O&M)

Prithipal Singh Appellant

Vs.

Gurdeshwar Dass and others Respondents

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(iv) RSA No.2359 of 2022 (O&M)

Prithipal Singh Appellant

Vs.

Gurdeshwar Dass and others Respondents

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(v) RSA No.2361 of 2022 (O&M)

Prithipal Singh Appellant

Vs.

Gurdeshwar Dass and others Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. V.K. Sandhir, Advocate for the appellant(s).

DEEPAK GUPTA, J.

This order shall dispose of five regular second appeals, titled above, all of which have been filed by the same plaintiff of the case, against concurrent findings of the Courts below.

2. In five separate civil suits, plaintiff Prithipal Singh (appellant herein), challenged five different sale deeds executed by his father – Gurdeswar Dass (defendant N: 1 in all the cases - *respondent No.1 herein*) in favour of different vendees executed during the period November 1994 to August 2002. All the five suits were dismissed by the trial Court and the appeals filed by him were dismissed by the First Appellate Court. This has led to filing of the present five appeals.

3. As the paper books of all the five appeals, would reveal, following sale deeds executed on different dates, are under challenge:

Sr. No.	RSA No.	Sale deed dated	Vendee(s) Name
1.	2251 of 2022	08.11.2000	Kuljit Singh
2.	2307 of 2022	15.11.1994	Kuljit Singh
3.	2310 of 2022	02.08.2000	Surjit Singh & Kuljit Singh
4.	2359 of 2022	04.08.2000	Kuljit Singh
5.	2361 of 2000	02.08.2002	Darshan Singh & Smt. Amrit Gill

4. According to the plaintiff, the suit property as sold by defendant No.1 - Gurdeswar Dass in favour of different vendees, by virtue of the impugned sale deeds was ancestral in the hands of his father and so, he could not have sold the same without any legal necessity. It was claimed that plaintiff as well as his brother - defendant No.2 were minors at the time of execution of the sale deeds; and that they are members of joint Hindu family along with defendant No. 1, who was the Karta of the family; that defendant No. 1 was addicted to liquor and used to remain under drunken condition for whole of the time and used to waste the earnings of the joint Hindu

family/co-parcenary property; that impugned sale deeds are the result of his vices and wastage of money. With these contentions, the declaration was sought that impugned sale deeds are null and void and not binding upon the rights of the plaintiff and defendant No. 2. Prayer for possession of the suit property was also made.

5. Defendant No.1, i.e. the father of the plaintiff/vendor, as well as defendant No. 2, i.e. brother of the plaintiff were proceeded *ex parte*, as they did not contest the suit. The vendee-defendant contested the suit by pleading that suit property was not ancestral in nature; that it was purchased for valuable consideration. The vendee-defendant also claimed to be bona fide purchaser for value of the suit property and prayed for dismissal of the suit.

6. In all the five cases, the separate issues were framed, evidence produced by the parties was taken on record by the Court, and then trial Court returned the finding that Plaintiff had failed to prove the ancestral nature of the suit property, or that it was without consideration. It was also found that suit was barred by limitation and as such, suits were dismissed. As noted earlier, the First Appellate Court affirmed the findings, by dismissing the appeals of the plaintiff.

7. Assailing the concurrent findings, it is contended by learned counsel for the appellant that the Courts below failed to appreciate the factual position to the effect that suit property was ancestral in nature; that plaintiff was minor at the time of impugned sale deeds, as he was born on 16.11.1983, whereas his brother – defendant No.2 was born on 02.10.1986 and as such, the impugned sale deeds were liable to be declared as null and void.

8. After considering submissions made by learned counsel for the appellant and going through the paper books, this Court does not find any merit in any of these appeals.

9. As per assertion of the plaintiff, suit property was earlier owned by Bishan Das and after his death, it was inherited by Sewa Das and from Sewa Das, it was inherited by Defendant No.1 – Gurdeswar Dass. The trial Court found that though plaintiff had produced the revenue record in the form of different Jamabandies of different years, but failed to place on record the revenue excerpt or to examine any patwari, so as to prove that khasra numbers as recorded in the latest jamabandi were allotted in lieu of the old khasra numbers. It was further found that in the absence of any revenue excerpt, it was not possible to hold that suit property was the same, which was earlier owned by Bisham Das or from whom it was inherited by Sewa Das and then by defendant No.1 – Gurdeswar Dass.

10. Apart from above, it is also noticed that even if it is assumed for the sake of arguments that suit property was earlier owned by Bishan Das and then it came to Sewa Das and then it came to defendant No.1, still the suit property in the hands of defendant No.1 having come from the two degrees, i.e. from his grandfather, could not be held to be his ancestral property. In order to hold ancestral property, the suit property should have been inherited by the vendor from the third degree, i.e. father's father's father. However, it is not so and as such, the suit property cannot be held to be ancestral in the hands of the vendor-defendant No.1.

11 Besides above, as per the own case of the plaintiff, he was born on 16.11.1983 and was minor at the time of execution of the impugned sale deeds. Meaning thereby that he had attained majority on 16.11.2001 and so, he could have filed the suit to assail the legality of the impugned sale deeds within three years after attaining majority. However, four of the civil suits were filed by him in December, 2011; whereas the fifth suit was filed in February, 2012. As such, the Courts below rightly concluded that suits were barred by limitation.

12. On account of the aforesaid discussion, this Court does not find any ground whatsoever to interfere in the well-reasoned concurrent findings of facts recorded by the Courts below, which are based upon proper

appreciation of evidence and by applying the correct position of law. There is no illegality or perversity in the findings. As such, holding all the appeals to be devoid of any merits, these are hereby dismissed.

Photocopy of this order be placed on the connected case files.

July 10, 2025

Sarita

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No