



In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 4260 of 2019 (O&M)

Date of Decision: 11.03.2025

Satya Devi

... Appellant(s)

Versus

Sona Ram and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. S.K. Aneja and Mr. Y.K. Aneja, Advocates
for the appellant(s).

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

2. The plaintiff assails the concurrent findings of facts arrived at by both the Courts below while dismissing her suit for declaration that she is the owner to the extent of 1/6th share of the land measuring 141 kanals 14 marlas and the judgment and decree passed on 23.07.1983 in Civil Suit No. 159 of 1983 tiled as "Buta Singh and Others v. Suba Ram" is illegal and not binding on her rights.

3. The plaintiff is the daughter of Suba Ram. She filed a suit in the year 2015, whereas the decree was passed on 23.07.1983. Though, she has claimed knowledge of the decree in the year 2015, however, she failed to

prove the same. Moreover, she has failed to prove that any fraud was played by her brother Buta Singh upon her father Suba Ram while suffering the decree. Though, the plaintiff claims that the suit property was the 'Joint Hindu Family Property', however, she failed to prove the same.

4. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

March 11, 2025

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No