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

RSA-1099-1995
Reserved on : 22.07.2026
Pronounced on : 12.10.2026

HARDEV SINGH (DECEASED) THROUGH L.RS.

...APPELLANT

Versus

JAGIR SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Amit Jain, Senior Advocate with
Ms. Aeshna Jain, Advocate
for the appellant.

Mr. Rakesh Nagpal, Advocate
for respondent No.2.

PARMOD GOYAL, J.

Present appeal has been preferred by appellant-plaintiff being aggrieved by impugned judgment and decree dated 20.01.1995 passed by the then learned Additional District Judge, Hoshiarpur vide which first appeal preferred by respondents-defendants against judgment and decree dated 30.09.1991 passed by learned Sub Judge III Class, Hoshiarpur vide which suit for declaration along with consequential relief of permanent injunction was decreed, was set aside.

2. In his suit for declaration, appellant-plaintiff had asserted that suit property duly described in plaint was Joint Hindu Family Coparcenary Property and therefore, appellant-plaintiff along with defendant Nos.1 to 10

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are owner to the extent of equal shares. Appellant-plaintiff had also sought permanent injunction against alienation by respondents-defendants.

3. It was claimed that Rattan Singh, Grandfather of appellant-plaintiff had migrated from Pakistan to India at the time of partition of India. That he had left behind his landed property in Pakistan and therefore, in lieu of the property left by him in Pakistan, suit lands were allotted to him in Village Ahirana, District Hoshiarpur. That after death of Rattan Singh, the suit property was inherited by sons of Rattan Singh namely Jagir Singh and Joginder Singh in equal shares. It was therefore claimed that property in the lands of Jagir Singh (respondent-defendant No.1) is coparcenary property of appellant-plaintiff and defendants No. 1 to 10 in equal shares. That respondent-defendant No.1 is the karta of coparcenary property. It was claimed that since respondent-defendant No.1 father of appellant-plaintiff is inimical to appellant-plaintiff, therefore, he intends to transfer the same to deprive appellant-plaintiff from his rightful claim. Accordingly, declaration to the effect that suit property is Joint Hindu Family Coparcenary Property of appellant-plaintiff and respondents-defendants No.1 to 10, was sought.

4. The suit was duly contested by respondents-defendants by filing detailed written statement, taking number of preliminary objections as regards to maintainability etc. It was claimed that land measuring 195 kanal is self-acquired property of respondents-Jagir Singh and Joginder Singh as they had purchased the same through registered sale deeds and is not ancestral property. It was further claimed that Jagir Singh and Joginder Singh had also purchased 1 kanal 12 marlas of land through registered sale deed dated 15.02.1973. It was claimed that Gian Kaur, Amar Kaur and Bakshish Kaur who are also alive, have not been impleaded as parties. That

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respondents-Jagir Singh and Joginder Singh had received the property from their father Rattan Singh not by way of succession but by way of Will and therefore, suit property is self-acquired property and appellant-plaintiff is neither member of coparcenary nor entitled to any property as respondent-defendant No.1 had also disowned him vide registered Will dated 17.06.1974 and respondent-defendant No.1 also got this fact duly published in newspaper Daily Milap, Jalandhar dated 19.06.1974. It was claimed that suit property is exclusive property of respondent-Jagir Singh and therefore, he is entitled to deal with the same as he wants. The exchange of property was stated to be legal and valid and, accordingly, dismissal of suit was prayed for. Replication to the written statement was preferred by appellant-plaintiff.

5. From the pleadings of the parties, following issues were framed:-

i. Whether the property in dispute is a Joint Hindu Coparcenary property in the hand of the defendant No.17? OPD.

ii. Whether the suit is bad for non-joinder of necessary parties? OPD.

iii. Whether the plaintiff is entitled for declaration as prayed for? OPP.

iv. Whether the plaintiff is entitled to permanent injunction as prayed for? OPP.

v. Relief.

6. Learned Court of First Instance had decided issue Nos.1 to 3 in favour of appellant-plaintiff and against respondents-defendants. Issue No.4 was decided in favour of respondents-defendants and against appellant-plaintiff. Accordingly, suit of appellant-plaintiff was decreed, it was held

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that property which was not purchased is Joint Hindu Family Coparcenary Property and appellant-plaintiff and respondents-defendants No.1 to 10 are co-parceners in said property.

7. Learned First Appellate Court had reversed the findings of learned Court of First Instance and held that suit property was exclusive property/self-acquired property in the hands of respondent-defendant No.1 and had accordingly, set aside the judgment passed by learned Court of First Instance and had allowed the appeal preferred by respondents-defendants.

8. In the present case, it is therefore clearly made out that the issue which requires adjudication is whether suit property duly described in plaint was Joint Hindu Family Coparcenary Property wherein appellant-plaintiff had birthright or that suit property was a self-acquired property in the hands of respondent-defendant No.1 and therefore appellant-plaintiff has no right to claim the same.

9. In the present case, following facts are not in dispute. Following facts are clearly established by way of pleadings as well as evidence led by both the parties:-

- That suit property owned by Rattan Singh (grandfather of appellant-plaintiff) in Pakistan were received by Rattan Singh from his father Ram Ditta who had purchased the same in Pakistan.
- That Rattan Singh had migrated from Pakistan leaving behind his landed property in Pakistan and in lieu of said land, suit lands were allotted to him as made out from allotment letter (Ex.P1).
- Rattan Singh had executed Will dated 08.01.1966

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whereby he had bequeathed his property to his sons i.e. defendants No. 1 and 11.

- That respondent-defendant No.1 had dis-inherited, appellant-plaintiff in year 1974 by executing a registered Will as well as by issuing public notice in newspaper Daily Milap, Jalandhar dated 19.06.1974. This fact was duly reiterated by defendants in their written statement.

10. The simple claim of appellant-plaintiff is that since Rattan Singh had migrated from Pakistan and had got suit land in lieu of land which was owned by him in Pakistan which he had inherited from his father, therefore property in his hands would be coparcenary property and therefore, Rattan Singh could not have been transferred by way of Will in favour of respondents-defendants No.1 and 11. That suit property remained Joint Hindu Family Coparcenary Property in the hands of Rattan Singh as well as in the hands of Jagir Singh.

11. In order to substantiate above-noted arguments, learned counsel for the appellant-plaintiff has placed reliance upon evidence of appellant-plaintiff himself who while appearing as PW-2. PW-2 had stated that suit property was purchased by Ram Ditta in Pakistan which had devolved upon his 04 sons namely Rattan Singh (grandfather of appellant-plaintiff), Puran Singh, Nauria etc. However, no other evidence in this regard was produced. Learned Court of First Instance had accepted the said argument raised on behalf of appellant-plaintiff.

12. In the present case, admittedly, the suit property which is subject matter of Annexure P1 was allotted in lieu of land left by Rattan Singh in Pakistan. As per appellant-plaintiff, the property which Rattan

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Singh had left in Pakistan was purchased by father of Rattan Singh i.e. Ram Ditta and Rattan Singh had inherited the same along with his three other brothers. It is therefore to be seen whether suit property in the hands of Rattan Singh was a Joint Hindu Family Coparcenary Property which he could have disposed of by way of Will as was done by him in favour of respondents-defendants No.1 and 11. If the suit property is held to be Joint Hindu Family Ancestral Coparcenary property, in that case Will executed by Rattan Singh in favour of respondents-defendants No.1 and 11 would be liable to be ignored. However, if the suit property i.e. lands of Rattan Singh is not held to be ancestral coparcenary property, in that case Rattan Singh would be within his rights to dispose it of as he likes. The suit property transferred by way of Will and received by respondents-defendants No.1 and 11 by way of Will would not be coparcenary property and has to be treated as self-acquired property in the hands of respondent No.1.

13. Therefore, it is necessary to decide as to whether the property in the hands of Rattan Singh was ancestral coparcenary property or not. Issue as to which property falls within the scope of ancestral coparcenary property is not *res integra*.

14. Following principle of law as stated in judgments titled as **Ram Parkash Vs. Radhe Shyam and others**, 1963 AIR (Punjab and Haryana) 338 and **Valliammai Achi Vs. Nagappa Chettiar and another**, 1967 AIR (SC) 1153 are also not in doubt.

i. The property which is purchased is self-acquired property and property received which is not ancestral and has been acquired by way of Will is also self-acquired property.

ii. Co-parcenary character of property must be established

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through cogent evidence and cannot be based upon presumption.

15. In present case, the moot issue which needs to decided is whether Rattan Singh, who had executed Will in favour of respondents-defendants No.1 and 11, was competent to execute the same and whether suit property was ancestral and co-parcenary property which takes away the authority of Rattan Singh to execute will.

16. The law of succession governing Hindus has undergone changes with enactment of Hindu Succession Act, 1956 (hereinafter referred to as '**1956 Act**'). The concept of Joint Hindu Family property which also included ancestral coparcenary property has also undergone change. Ancestral co-parcenary property can be succeeded as per uncondified Hindu Law by coparceners alone and in all other cases succession has to be under Hindu Succession Act, 1956. The concept of Joint Hindu Family as it existed prior to year 1956 which included coparcenary property and other properties has been re-defined whereby Joint Hindu Family properties which are not coparcenary properties, are governed by Hindu Succession Act, 1956 and not by Hindu Law.

17. Jointness of family under Mitakshara law was its defining feature. All properties were presumed to be joint between father and son, irrespective of fact whether the father had acquired it independently or had inherited it from his ancestor. The jointness continued till partition has been effected. Under Hindu law, therefore, joint Hindu Family property comprised/included both ancestral co-parcenary property and other property held jointly.

18. Before enactment of 1956 Act, central idea of family jointness

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was governed by succession by birth in respect of co-parcenary property and joint family property even when such property had been self-acquired by the father during joint family. Whereas, Co-parcenary was a narrower concept confined to property received by Hindu male from his three parental ancestors (lineal descendants) i.e. father, grand-father and great grand-father. The second condition to constitute a co-parcenary property was that the property had never been divided/partitioned. Therefore, all the male descendants upto three generations i.e. son, grandson and great grandson became co-parcener by birth and were entitled to share in coparncenary property which was received by *karta* from his three lineal descendants. The quantum of share fluctuated with birth and death of co-parcener. The co-parcenary, historically was restricted to male members, however, this restriction now stands removed with amendment to Section 6 of 1956 Act which accords daughters the status of co-parcener for purpose of succession. Whereas, a Hindu joint family consists of lineal descendants of a common ancestor i.e. male head, his descendants, his wife and unmarried daughters. Co-parcenery by contrast consists of propositus (person at the top of line of descendant) and his three lineal descendants). Co-parcenary property is so termed because a co-owner is characterized by unity of possession, title and interest.

19. Joint family property, therefore, included both co-parcenary property and other properties such as the property acquired by father or grand-father by any means by virtue of jointness of family. Prior to 1956 Act, son had a right in joint Hindu family properties which were not co-parcenary properties by birth.

20. However, with enactment of 1956 Act concept of joint family

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property (other than co-parcenary property) for the purposes of succession was abolished, though it continued for purposes of Income Tax. Property of Hindu dying intestate after 1956 Act, devolved upon his heirs as classified under Section 8 of 1956 Act. However, concept of ancestral co-parcenary property which was narrower concept of joint family property continued as it is, as it was preserved by Section 6 of the 1956 Act. With subsequent amendment in Section 6 of 1956 Act, female members were conferred the status of co-parceners and became entitled to succeed in co-parcenary property. The effect of 1956 Act on joint family property (including co-parcenary and other properties) was duly examined by Hon'ble Supreme Court in **Commissioner of Welath Tax, Kanpur Vs. Chander Sen 1986(3) SCC 567,** wherein it was held that if succession opened after the commencement of 1956 Act, the property inherited by a son from his father would be treated as father's individual property and would devolve in accordance with Section 8 of 1956 Act and property in the hands of son would be treated as his individual property. The Hon'ble Supreme Court had held as under:-

> *"15. It is clear that under the Hindu law, the moment a son is born, he gets a share in the father's property and becomes part of the coparcenary. His right accmes to him not on the death of the father or inheritance from the father but with the very fact of his birth. Normally, therefore whenever the father gets a property from whatever source from the grandfather or from any other source, be it separated property or not, his son should have a share in that and it will become part of the joint family of his son and grandson and other members who form joint Hindu family with him. But the question is; is the position affected by section 8 of the Succession Act, 1956 and if so, how? The basic argument is that section 8 indicates the heirs in respect of certain property and class I of the heirs includes*

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the son but not the grandson. It includes, however, the son of the predeceased son. It is this position which has mainly induced the Allahabad High Court in the two judgments, we have noticed, to take the view that the income from the assets inherited by son from his father from whom he has separated by partition can be assessed as income of the son individually. Under section 8 of the Hindu Succession Act, 1956 the property of the father who dies intestate devolves on his son in his individual capacity and not as karta of his own family. On the other hand, the Gujarat High Court has taken the contrary view.

16. In ***Commissioner of Income-tax, Gujarat-I v. Dr. Babubhai Mansukhbhai (Deceased), 108 ITR 417*** *the Gujarat High Court held that in the case of Hindus governed by the Mitakshara law, where a son inherited the self-acquired property of his father, the son took it as the joint family property of himself and his son and not as his separate property. The correct status for the assessment to income-tax of the son in respect of such property was as representing his Hindu undivided family. The Gujarat High Court could not accept the view of the Allahabad High Court mentioned hereinbefore. The Gujarat High Court dealt with the relevant provisions of the Act including section 6 and referred to Mulla's Commentary and some other decisions.*

17. Before we consider this question further, it will be necessary to refer to the view of the Madras High Court. Before the full bench of Madras High Court in ***Additional Commissioner of Income-tax, Madras v. P.L. Karappan Chettiar, 114 ITR 523****, this question arose. There, on a partition effected on March 22, 1954, in the Hindu undivided family consisting of P, his wife, their sons, K and their daughter-in-law, P was allotted certain properties as and for this share and got separated. The partition was accepted by the revenue under section 25A of the Indian Income-tax Act,*

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1922. K along with his wife and their subsequently bom children constituted a Hindu undivided family which was being assessed in that status. P died on September 9, 1963, leaving behind his widow and divided son, K, who was the karta of his Hindu undivided family, as his legal heirs and under section 8 of the Hindu Succession Act, 1956, the Madras High Court held, that these two persons succeeded to the properties left by the deceased, P, and divided the properties among themselves. In the assessment made on the Hindu undivided family of which K was the karta, for the assessment year 1966-67 to 1970-71, the Income-tax Officer included for assessment the income received from the properties inherited by K from his father, P. The inclusion was confirmed by the Appellate Assistant Commissioner but, on further appeal, the Tribunal held that the properties did not form part of the joint family properties and hence the income therefrom could not be assessed in the hands of the family. On a reference to the High Court at the instance of the revenue, it was held by the Full bench that under the Hindu law, the property of a male Hindu devolved on his death on his sons and grandsons as the grandsons also have an interest in the property. However, by reason of section 8 of the Hindu Succession Act, 1956, the son's son gets excluded and the son alone inherits the property to the exclusion of his son. No interest would accrue to the grandson of P in the property left by him on his death. As the effect of section 8 was directly derogatory of the law established according to Hindu law, the statutory provision must prevail in view of the unequivocal intention in the statute itself, expressed in section 4(1) which says that to the extent to which provisions have been made in the Act, those provisions shall override the established provisions in the texts of Hindu law. Accordingly, in that case. K alone took the properties obtained by his father, P, in the partition between them, and irrespective of the question as to whether it was ancestral

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property in the hands of K or not, he would exclude his son. Further, since the existing grandson at the time of the death of the grandfather had been excluded, an after-born son of the son will also not get any interest which the son inherited from the father. In respect of the property obtained by K on the death of his father, it is not possible to visualise or envisage any Hindu undivided family. The High Court held that the Tribunal was, therefore, correct in holding that the properties inherited by K from his divided father constituted his separate and individual properties and not the properties of the joint family consisting of himself, his wife, sons and daughters and hence the income therefrom was not assessable in the hands of the assessee-Hindu undivided family. This view is in consonance with the view of the Allahabad High Court noted above.

18. The Madhya Pradesh High Court had occasion to consider this aspect in ***Shrivallabhdas Modani v. Commissioner of Income-Tax, M.P.-1,138 ITR 673****, and the Court held that if there was no coparcenary subsisting between a Hindu and his sons at the time of death of his father, property received by him on his father's death could not be so blended with the property which had been allotted to his sons on a partition effected prior to the death of the father. section 4 of the Hindu Succession Act, 1956, clearly laid down that "save as expressly provided in the Act, any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of the Act should cease to have effect with respect to any matter for which provision was made in the Act". section 8 of the Hindu Succession Act, 1956 as noted before, laid down the scheme of succession to the property of a Hindu dying intestate. The schedule classified the heirs on whom such property should devolve. Those specified in class I took simultaneously to the exclusion of all other heirs. A son's son was not mentioned as*

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an heir under class I of the schedule, and, therefore, he could not get any right in the property of his grandfather under the provision. The right of a son's son in his grandfather's property during the lifetime of his father which existed under the Hindu law as in force before the Act, was not saved expressly by the Act, and therefore, the earlier interpretation of Hindu law giving a right by birth in such property "ceased to have effect". The Court further observed that in construing a Codification Act, the law which was in a force earlier should be ignored and the construction should be confined to the language used in the new Act. The High Court felt that so construed, section 8 of the Hindu Succession Act should be taken as a self-contained provision lying down the scheme of devolution of the property of a Hindu dying intestate. Therefore, the property which devolved on a Hindu on the death of his father intestate after the coming into force of the Hindu Succession Act, 1956, did not constitute HUF property consisting of his own branch including his sons. It followed the full bench decision of the Madras High Court as well as the view of the Allahabad High Court in the two cases noted above including the judgment under appeal.

19. The Andhra Pradesh High Court in the case of ***Commissioner of Wealth-Tax, A.P.-II v. Mukundgirji, 144 ITR 18****, had also to consider the aspect. It held that a perusal of the Hindu Succession Act, 1956 would disclose that Parliament wanted to make a clean break from the old Hindu law in certain respects consistent with modem and egalitarian concepts. For the sake of removal of any doubts, therefore, section 4(1)(a) was inserted. The High Court was of the opinion that it would, therefore, not be consistent with the spirit and object of the enactment to strain provisions of the Act to accord with the prior notions and concepts of Hindu law. That such a course was not possible was made clear by the inclusion of females in class I of the Schedule, and*

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according to the Andhra Pradesh High Court, to hold that the property which devolved upon a Hindu under section 8 of the Act would be HUF property in his hands vis-a-vis his own sons would amount to creating two classes among the heirs mentioned in class I, viz., the male heirs in whose hands it would be joint family property vis-a-vis their sons; and female heirs with respect to whom no such concept could be applied or contemplated. The intention to depart from the pre-existing Hindu law was again made clear by section 19 of the Hindu Succession Act which stated that two or more heirs succeed together to the property of an intestate, they should take the property as tenants-in- common and not as joint tenants and according to the Hindu law as obtained prior to Hindu Succession Act two or more sons succeeding to their father's property took a joint tenants and not tenants-in-common. The Act, however, has chosen to provide expressly that they should take as tentants-in-common. Accordingly the property which devolved upon heirs mentioned in class I of the Schedule under section 8 constituted the absolute properties and his sons have no right by birth in such properties. This decision, however, is under appeal by certificate to this Court. The aforesaid reasoning of the High Court appearing at pages 23 to 26 of Justice Reddy's view in 144 I.T.R. appears to be convincing.

20. We have noted the divergent views expressed on this aspect by the Allahabad High Court, Full Bench of the Madras High Court, Madhya Pradesh and Andhra Pradesh High Courts on one side and the Gujarat High Court on the other.

21. It is necessary to bear in mind the Preamble to the Hindu Succession Act, 1956. The Preamble states that it was an Act to amend and codify the law relating to intestate succession among Hindus.

22. In view of the preamble to the Act, i.e., that to modify where necessary and to codify the law, in our opinion it is not possible when Schedule indicates heirs in class I and only

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includes son and does not include son's son but does include son of a predeceased son, to say that when son inherits the property in the situation contemplated by section 8 he takes it as karta of his own undivided family. The Gujarat High Court's view noted above, if accepted, would mean that though the son of a predeceased son and not the son of a son who is intended to be excluded under section 8 to inherit, the latter would by applying the old Hindu law get a right by birth of the said property contrary to the scheme outlined in section 8. Furthermore as noted by the Andhra Pradesh High Court that the Act makes it clear by section 4 that one should look to the Act in case of doubt and not to the pre-existing Hindu law. It would be difficult to hold today the property which devolved on a Hindu under section 8 of the Hindu Succession would be HUF in his hand vis-a-vis his own son; that would amount to creating two classes among the heirs mentioned in class I, the male heirs in whose hands it will be joint Hindu family properly and vis-a-vis son and female heirs with respect to whom no such concept could be applied or contemplated. It may be mentioned that heirs in class I of Schedule under section 8 of the Act included widow, mother, daughter of predeceased son etc.

23. Before we conclude we may state that we have noted the observations of Mulla's Commentary on Hindu law 15th Edn. dealing with section 6 of the Hindu Succession Act at page 924-26 as well as Mayne's on Hindu Law, 12th Edition pages 918-919."

Therefore, Co-parcenary property would continue to vest in the coparceners and continue to be governed by Mitakshara law and all coparcenars by virtue of their birth and death would join and exit coparcenary. The central characteristic to find out whether the suit properly is an ancestral coparcenary property, it is, therefore, necessary to show that person from

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whom suit property is being sought to be succeeded had got the same from his three male ancestors i.e. father, father's father (grandfather) and father's father's father (great grandfather).

21. Therefore, it is clear that after commencement of 1956 Act, the traditional *mitakshara* concept of joint Hindu family, where sons required rights by birth in the property of grand-father succeeded by their father no longer govern succession. Instead, succession of such property of a Hindu male dying interstate was to be determined strictly in accordance with Section 8 of 1956 Act and such property was to be treated as individual property of the heir receiving it. This marks a clear departure from pre-1956 Act provisions where the character of property in the hands of son was dependent upon the nature of his father’s acquisition and existence of jointness in the family. With enactment of 1956 Act, scheme of succession under traditional *mitakshara* doctrine had undergone change and only co-parcenery property which is a narrow concept of joint Hindu property alone was left to be governed by *mitakshara* law.

22. Therefore, all joint Hindu family properties which are succeeded by person from his father though they may be joint will not be co-parcenery property in the hands of son unless it is shown that it was inherited by father from grand-father and from great grand-father without any partition.

23. In present case, admittedly, Rattan Singh had executed a Will claiming the suit property to be his individual property. Though plaintiff had claimed that Rattan Singh had inherited same from his father Ram Ditta, who had purchased it in Pakistan. However, except for oral claim no evidence in this regard was placed by appellant-plaintiff. It is the case of

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appellant-plaintiff himself that Ram Ditta had purchased said property, which was inherited by Rattan Singh. Therefore, in present case, the property succeeded by Rattan Singh from his father Ram Ditta which was purchased by Ram Ditta cannot be termed to be joint Hindu family ancestral co-parcenery property as Rattan Singh had not got it from three lineal ascendants without any partition. The suit property in the hands of Ram Ditta who had purchased the same was individual property and therefore Rattan Singh had also succeeded the same, being individual property in his hands.

24. Learned counsel for the appellant-plaintiff has placed reliance upon following judgments:-

- **Ram Parkash Vs. Radhe Shyam and others**, 1963 AIR (Punjab and Haryana) 338
- **Valliammai Achi Vs. Nagappa Chettiar and another**, 1967 AIR (SC) 1153
- **C. N. Arunachala Mudaliar Vs. C. A. Muruganatha Mudaliar and another**, 1953 AIR (SC) 495
- **Lal Singh Vs. Ajit Singh and another**, 2008(3) RCR (Civil) 650
- **Amar Singh Vs. Man Phool**, 1991(1) PLR 645
- **Kapur Chand Major and others Vs. Des Raj**, 1974 PLR 522

25. Judgment titled as **C. N. Arunachala Mudaliar Vs. C. A. Muruganatha Mudaliar and another**, 1953 AIR (SC) 495 by Hon'ble Supreme Court decided on 14.10.1953 prior to enactment of 1956 Act referred by learned counsel for the appellant-plaintiff has no applicability to the facts of the present case.

26. However, none of the judgments has got any relevance to the

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facts of present case especially when the property in the hands of Rattan Singh has been held to be self-acquired property of Rattan Singh which he could have disposed of in any manner. Therefore, Will executed by Rattan Singh in favour of respondents-defendants No.1 and 11 would make such property in the hands of respondents-defendants No.1 and 11 to be self-acquired property and the property would not be ancestral/coparcenary property as being claimed by appellant-plaintiff.

27. In view of above discussion, it is held that learned Court of first instance had erred in concluding that suit property in the hands of Rattan Singh was co-parcenery property. Learned first appellate Court had rightly set aside judgment and decree of Court of first instance and had rightly dismissed the suit preferred by appellant-plaintiff. Hence, present appeal preferred by appellant-plaintiff is dismissed.

28. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

12.10.2026
Ravinder/Sunil

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

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