

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****221****RSA-5221-2016**
Decided on: 31.7.2017**BHARAT SINGH AND ANR****....PETITIONERS****VS****SIRI CHAND AND ORS****....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr. R.S. Sihota, Senior Advocate with
Mr. B.R.Rana, Advocate
for the appellants.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the concurrent judgement of the Courts below dismissing the suit filed by the appellants. The case set up by the appellant was that their father was a tenant on about 6 Kanals and 12 Marlas of land and after his death they had inherited the tenancy rights. The claim of the respondent No.1 on the other hand was that in fact there was a previous family settlement between the parties, as per which, the father and the other siblings had accepted that land would be the ownership of respondent No.1 and pursuant to that family settlement the respondent No.1 filed civil suit in which the father as well as the present appellants appeared and filed a consented written statement pursuant to which the suit was decreed on 4.3.1989. The stand of the appellants was that they had never agreed in a family settlement; had never received notice of the suit; had never appointed a counsel; and had never signed the consented written statement. However, the respondent

proved that the signature on the written statement were those of the appellants by producing a handwriting expert. No such evidence was led by the appellants. In the circumstances, both the Courts below held that they were not able to prove the allegations which they have made and consequently, dismissed the petition.

Learned Senior Counsel appearing on behalf of the appellants has argued that the chronology of events where the written statement was filed on the same day and the suit was also decided on the same day is evidence of the fact that everything was not above board. In my opinion, this is mere a suspicion and cannot take the place of evidence.

Consequently, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stand disposed of.

31.7.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No