

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10505/2013

RAJESHWAR DASS (D) TR.LRS. Appellant(s)

VERSUS

SNEH LATA & ANR. Respondent(s)

O R D E R

We have heard the learned counsel for the appellants and the respondents at length.

This is a persisting dispute between two brothers and their families. The suit properties originally belonged to one Lala Behari Lal. He executed a registered Will, way back in the year 1936. Pursuant to the said Will, the properties were divided amongst his three sons by way of a registered partition deed. It is to be noted that the said partition has taken place only after his demise in the year 1943. It was only thereafter that the partition deed was executed. Pursuant to the partition deed, the shares which fell in favour of the two brothers, namely, Bhagwan Dass and Puran Chand were purchased by one Lacchi Ram in 1949. The deceased appellant No.1 was the son of Lacchi Ram and the respondent is the daughter-in-law through his other son. Lacchi Ram died on 04.02.1983.

Before his death, he executed two documents one in the form of registered Will dated 10.07.1981 and the other in the form of a gift dated 18.06.1982 bequeathing his property to his daughter-in-law/respondent.

A suit was filed by the appellant seeking declaration and for injunction, while the respondent filed a suit for declaration as well as possession. The Trial Court, upon rendering a finding upholding the Will, followed by the deed of partition, which actually is not in dispute, was pleased to observe that the suit property is actually the self-acquired property of Lachhi Ram. The First Appellate Court, upon giving a finding with respect to the suit property being self-acquired, nonetheless, was pleased to hold that the Will had not been proved and the other two properties purchased from the income derived from the properties that fell in the share of Lachhi Ram. Accordingly, the High Court was pleased to allow the suit filed by the respondents while dismissing the suit filed by the appellants.

Aggrieved by the same, the present appeal is before us filed by the appellants.

Upon hearing the learned counsel appearing for the parties, we do not find any error warranting interference in the impugned judgment. Even the

First Appellate Court was pleased to render a finding that the suit properties, namely, the property that fell under the share of Lachhi Ram was self-acquired. Therefore, there is no question of going into the validity of the Will executed way back in the year 1981 that too after due registration.

In any case, we are inclined to uphold the finding of High Court with respect to the validity of the Will. Suffice it is to state that the finding is to the effect that the properties which fell to the share of Lachhi Ram could be considered to be self-acquired property. Even the First Appellate Court was pleased to concur with the Trial Court to that extent. Even if we assume that Lachhi Ram was using that property for augmenting income to purchase the other two properties was true, the same would not create a character of ancestral property. There is a clearly discernable difference between a joint family property and an ancestral property.

On a perusal of the facts of the case, we do not find any error warranting any interference with the impugned judgment, as it is not even the case of the appellant that property was put into the joint family hotchpotch, and thereafter it was created by setting up a Hindu joint family property between the deceased Lachhi Ram and his two sons.

Thus, looking at the case from any perspective, we do not find any error warranting our interference with the impugned judgment.

The appeal is accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

.....J.  
[M.M. SUNDRESH]

.....J.  
[JOYMALYA BAGCHI]

NEW DELHI;  
AUGUST 06, 2025.

ITEM NO.101

COURT NO.5

SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 10505/2013

RAJESHWAR DASS (D) TR.LRS.

Appellant(s)

VERSUS

SNEH LATA &amp; ANR.

Respondent(s)

[MEDIATION REPORT RECEIVED ]

Date : 06-08-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE JOYMALYA BAGCHIFor Appellant(s) Mr. Govind Goel, Adv.  
Mr. Ankit Goel, AOR  
Mr. Abhi Garg, Adv.  
Mr. Pushpendra Pratap Singh, Adv.For Respondent(s) Mr. Vivek Gupta, AOR  
Mr. Ankit Verma, Adv.  
Mr. Govind Gupta, Adv.UPON hearing the counsel the Court made the following  
O R D E R

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(ASHA SUNDRIYAL)  
DEPUTY REGISTRAR(POONAM VAID)  
ASSISTANT REGISTRAR

[Signed order is placed on the file]