

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-4275 of 2015(O&M)
Date of Order: 19.05.2022

Jaswant Kaur

..Appellant

Versus

Lakhwinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Raj Kumar Garg, Advocate
for the appellant.

Mr. Manish Kumar Singla, Advocate and
Ms. Shikha Singla, Advocate and
Mr. Dinesh Kumar, Advocate
for respondent no.1 to 3.

ANIL KSHETARPAL, J(Oral)

While assailing the correctness of the concurrent findings of fact arrived at by the Courts below, the plaintiff has filed the present appeal.

She claims property on the basis of natural succession. It was claimed that the property in question was owned and possessed by her husband late Sh. Baldev Singh. She filed a suit against 4 of her sons and subsequent purchasers from her 4 sons. In the written statement, the defendants submitted that late Sh. Baldev Singh in the Civil Court acknowledged the 4 sons to be the owners in possession of the property resulting in a judgment and decree passed by the Civil Court in their favour.

The sons also claimed that late Sh. Baldev Singh, as a precautionary measure, bequeathed the property by an unregistered Will dated 25.11.1994, to them. It has been stated that defendant no.3 has adopted defendant No's 2 son and now the intention of defendant no.3 and his wife has become dishonest and that's why they have challenged the

adoption. It has also come on record that the sons had transferred the property in favour of defendant no.5 and 6 by the registered sale deeds on receipt of valuable consideration.

Both the Courts have found that the plaintiff has not challenged the correctness of Civil Court judgment and decree dated 03.10.1991. It has been held that late Sh. Baldev Singh was not the owner of the suit land on the date of his death. Hence, the question of inheritance of the estate does not arise.

Consequently, finding no merit in the facts of the case.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

May 19, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

सत्यमेव जयते

