

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2660 of 2015 (O&M)
Date of decision: 22.4.2015

Rajvir Kaur

.. Petitioner

v.

Amritpal Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Harkesh Manuja, Advocate for the petitioner.

...

Rajesh Bindal J.

The plaintiff is before this court against rejection of her prayer for interim relief in an application filed under Order 39 Rules 1 and 2 read with Section 151 CPC in a suit for declaration filed by her.

The petitioner-plaintiff is daughter of late Jang Singh, who died on 17.1.2001. He left behind widow, two sons and three daughters. One daughter is the plaintiff, whereas widow, two sons and two daughters are the defendants. Share in the property of late Jang Singh is being sought claiming the property to be ancestral. Two brothers, who have been arrayed as defendants in the suit are younger to the petitioner-plaintiff. The property was mutated in their names on 29.9.2003 and 16.1.2013 after the death of their father on the basis of Will executed by late Jang Singh on 15.8.2000. The brothers of the petitioner were hardly 10 and 13 years of age at that time. It has also come on record that the petitioner had sworn an affidavit on 6.6.2005 admitting the Will executed by late Jang Singh in favour of her two brothers. The affidavit also reveals the knowledge of sanction of mutation in their favour. The suit was filed by the petitioner on 25.7.2012. After the death of Jang Singh on 17.1.2001, the inheritance was open and

the property was transferred in the names of two sons on the basis of Will executed by him.

With the aforesaid factual matrix on record, in my opinion, the petitioner has not been able to make out a prima facie case for grant of interim injunction in her favour. Both the courts below rightly declined the prayer. There is no merit in the present petition. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

22.4.2015
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