

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2924 of 2015 (O&M)
Date of decision: 30.4.2015

Paramjit Kaur

.. Petitioner

v.

Baldev Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Arvind Kashyap, Advocate for the petitioner.

...

Rajesh Bindal J.

The plaintiff is before this court aggrieved against the orders passed by the learned courts below, whereby the application filed under Order 39 Rules 1 and 2 read with Section 151 CPC for interim injunction, was dismissed.

The petitioner filed a suit for declaration claiming joint ownership of the suit property, which was owned by late-Karnail Singh, her father. It was claimed that late-Karnail Singh had two sons and two daughters. He died intestate and the property being ancestral, the petitioner was entitled to 1/4th share. Challenge was also made to the Will dated 16.4.1990 executed by late-Karnail Singh and mutation dated 7.8.1990 entered on the basis thereof. Both the courts below did not find any merit in the contentions raised by counsel for the petitioner and rightly so, the reason assigned could not possibly be assailed. It has been noticed that the petitioner has not been able to prima facie prove that the property in dispute was ancestral. Further, it has been noticed that not only the brothers, in whose favour the Will had been executed by late-Karnail Singh, even one of the sisters also supported the case of the brothers. It has further been noticed

that after the death of Karnail Singh, when mutation was sanctioned on the basis of registered Will dated 16.4.1990 executed by him, both the sisters including the plaintiff were present besides the brothers, in whose favour the property was transferred. Nothing was brought on record by the petitioner to controvert the aforesaid facts. The suit was filed on 22.7.2011, more than two decades after the mutation was sanctioned in favour of respondents No. 1 and 2 on the basis of registered Will executed in their favour.

For the reasons mentioned above, I do not find that any ground is made out to interfere with the orders passed by the courts below declining interim injunction to the petitioner. The petition is, accordingly, dismissed.

(Rajesh Bindal)
Judge

30.4.2015
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