

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4311 of 2015 (O&M)

Date of Decision.10.07.2015

Nasib Kaur

.....Petitioner

Versus

Seeto alias Seebo

.....Respondent

Present: Mrs. Baljit Mann, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petitioner's apprehension by means of revision petition is wholly baseless. The suit is filed by the plaintiff as a daughter to one Hakam Singh claiming the suit property as belonging to her. The suit had been filed against Hakam Singh's brother's son but after his death, the petitioner's mother has been impleaded as party to contest the case. Written statement has been filed contending that Hakam Singh had lost right to the property of whatever he had through the decree that was passed on 29.04.1982 in a suit instituted by Gurcharan Singh, petitioner's son. The suit has been filed on 28.03.2001, that was 19 years later, on a plea that her father's property still belongs to her.

2. The petitioner's contention is that the suit was clearly barred by limitation. During the pendency of the case, there has been an application for amendment to introduce a fact that Hakam Singh had executed a Will in her favour in respect of his properties and also

executed a power of attorney in her favour along with an application filed to produce the Will and the power of attorney.

3. To my mind, the Will or the power of attorney can secure to the plaintiff no additional benefit. If Hakam Singh was not owner at the time of his death and he cannot give away his right of property in decree on 29.04.1982 as contended by the petitioner then nothing survives to the daughter. The case would depend on whether the plaintiff can assert right to the property in Hakam Singh at his death to claim as heir. If that right is not available, for whatever reason, either by bar of limitation or by the fact that Hakam Singh had lost the right to the property, the plea by Hakam Singh's daughter that Hakam Singh had executed a Will cannot advance the case of the plaintiff any better. The suit which is filed in the year 2001 could not have been subjected to any amendment at this length of time. Since the Court below has allowed the same, I would only examine whether any prejudice would be caused to the petitioner and I find that there is no such prejudice prevailing.

4. I find no cause for intervention in the revision petition. The revision petition is dismissed.

(K. KANNAN)
JUDGE

July 10, 2015
Pankaj*