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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.4793 of 2015 (O&M)
Date of decision: July 31, 2015

Haramanjit Singh Ahluwalia

......Petitioner

Versus

Reena Bandari and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

SABINA, J

Respondent No.1 had filed an application for grant of succession certificate. The said application was allowed by the trial Court vide order dated 19.02.2013. Appeal filed by the petitioner against the said order was dismissed by the Appellate Court vide order dated 17.04.2015. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that respondent No.1 was married to Manjit Singh Ahluwalia and out of the said wedlock, two sons were born to them. Unfortunately, Manjit Singh Ahluwalia died on 24.02.1991. Thereafter, respondent No.1 got married to Sanjay Kumar Bhandari on 05.12.1993. Gursimran Singh son of the respondent No.1 died on 30.06.1999 and her other son Damanjit Singh died on 23.07.2006. The amount invested by Manjit Singh Ahluwalia with Life Insurance Corporation was invested in Fixed Deposit Receipts in the names of Damanjit Singh and Gursimran Singh in terms of the decision passed by the Civil Court. Since respondent No.1 had never bothered to take care of her minor children, she was not entitled to receive the amount invested in the Fixed Deposit Receipts.

In the present case, facts are not in dispute. Admittedly, respondent No.1 was married to Manjit Singh Ahluwalia and out of the said wedlock, two sons, i.e. Gursimran Singh and Damanjit Singh were born. Manjit Singh Ahluwalia died on 24.02.1991. Manjit Singh Ahluwalia had invested money with Life Insurance Corporation. The dispute arose qua the amount invested by Manjit Singh Ahluwalia with Life Insurance Corporation vide policy dated 10.01.1990. Sons of respondent No.1 and her mother-in-law Baljit Kaur field a suit for declaration that they being the legal heirs of deceased Manjit Singh Ahluwalia were entitled to get the amount invested by him with Life Insurance Corporation to the extent of $1/4^{th}$ share each with regard to Life Insurance policy dated 10.01.1990. Vide order dated 19.09.1994, the Court ordered that the plaintiffs as well as defendant No.1 Reena Ahluwalia were legal heirs of Manjit Singh Ahluwalia, who was holding Life Insurance policy dated 10.01.1990 and they were entitled to get the insured amount to the extent of $1/4^{th}$ share each. So far as, Baljit Kaur and Reena Ahluwalia are concerned, they had withdrawn their share of the insured amount. The share of minor children was ordered to be invested in Fixed Deposit Receipts through their grand-mother Baljit Kaur. It was further ordered that the minor children on attaining the age of majority, would be entitled to withdraw the amount. Now after the death of her children, respondent No.1 moved an application for grant of succession certificate qua the amount which had been invested in the Fixed Deposit Receipts in the name of her minor children. Respondent No.1 being the mother of the minor children is entitled to withdraw the money qua the share of her children on account of their death. The Courts below rightly allowed the application moved by respondent No.1. Merely because respondent No.1 had got remarried, does not lead to the inference that she was no longer legal heir of her deceased sons.

No ground for interference by this Court, is made out.

Dismissed.

(SABINA)
JUDGE

July 31, 2015
mahavir