

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CR No.4567 of 2014 (O&M)

Date of decision : 19.11.2015

Balinder Kaur

...Petitioner

Versus

General Public and ors.

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.**

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

Present: Mr. S.S. Katnoria, Advocate for the petitioner.

Mr. P.C. Goyal, Advocate for respondent Nos.2 and 3.

Mr. Baljeet Singh, Advocate for respondent No.4.

\*\*\*\*

**AMIT RAWAL, J. (Oral)**

Challenge in the present petition is to the impugned orders dated 09.05.2013 (Annexure P-3) and 14.05.2014 (Annexure P-5), whereby trial Court has granted succession certificate in respect of Sidharth and one of the appeal filed against the same by the petitioner-appellant, has been dismissed and the other appeal filed by respondent No.4-Sidharth, has been allowed.

Mr. S.S. Katnoria, learned counsel appearing on behalf of

petitioner submits, that Sidharth Singh claimed to be the son of Satinder Singh and Vijaya Kaur. Vijaya Kaur left her matrimonial home after getting ex parte divorce dated 16.12.1999. Fatherhood of Sidharth was seriously contested and disputed by the petitioner. Yet the petitioner produced only the birth certificate and LR certificate issued by the Deputy Commissioner and has not led any other independent witness as per the provision of Section 50 of the Indian Evidence Act, and even, mother of Sidharth Singh has not stepped into the witness-box.

Mr. Baljeet Singh, learned counsel appearing on behalf of respondent No.4 submits, that Vijaya Kaur had filed written statement and conceded the claim of Sidharth and, therefore, there was no need for her to come into the witness-box, at the best petitioner could have summoned her to ascertain the truth.

Mr. P.C. Goyal, learned counsel is representing Government Department.

I have heard learned counsel for parties and appraised the paper book.

Section 50 of the Indian Evidence Act, deals with proving of relationship which reads thus:-

*“50. Opinion on relationship, when relevant.—When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, or any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, 1869 (4 of*

*1869) or in prosecutions under section 494, 495, 497 or 498 of the Indian Penal Code (45 of 1860).”*

The Death certificate and the LR certificate of respondent No.4-Sidharth are the self-serving statements obtained by the respondent No.4. Even if Vijaya Kaur had admitted in written statement that she could have stepped into the witness-box supporting the case of Sidharth, perhaps, in my view was afraid that truth may not surface. The intimation to Office of Registrar of Births and Deaths maintaining the record of birth and death is a self serving statement.

The certificate issued by Deputy Commissioner is also at the back of the petitioner, therefore, both the documents ought not to have taken into consideration by the Courts below to grant succession vis-a-vis moveable properties of the deceased who is stated to have died on 13.06.2007.

In the absence of any evidence led as per provision of Section 50 of the Indian Evidence Act, in my view, both the orders dated 09.05.2013 (Annexure P-3) and 14.05.2014 (Annexure P-5) are not sustainable in the eyes of law and are hereby set aside.

Accordingly, revision petition is allowed.

**19.11.2015**

*pawan*

**(AMIT RAWAL)  
JUDGE**