

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5094 of 2013 (O&M)
Date of decision: 17.03.2015

Karnail Kaur and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Amrik Singh, Advocate for the petitioners.

Ms. Vandana Malhotra, Addl. Advocate General, Punjab.

Mr. Sanjay Gupta, Advocate
for respondent No. 3.

K.Kannan, J.

In respect of amount determined on a reference to a Civil court under the Land Acquisition Act, the land owner expired and *inter se* claimants are daughters and two sons. The daughters have filed the civil suit for 5/7th share and the sons set up a will in response, said to have been executed by the father, bequeathing his interest to the sons to the exclusion of daughters. The suit appears to have been dismissed holding the will to be genuine and the application is filed to receive the copy of the decree and the judgment. The documents are received but it is submitted by the counsel for the petitioners that there is an appeal filed against the said judgment.

In my view, the sons shall be permitted to withdraw 2/7th share of the amount without any security and 5/7th share on security to the satisfaction of the courts below. The impugned order actually addresses the petitioners' concern and has directed the withdrawal of

the amount subject to the suit. Since the suit is said to have been disposed of, but, is still pending appeal, I have made the modification as referred to above.

The order already passed is modified and the civil revision petition is disposed of with the above observations.

(K.KANNAN)
JUDGE

17.03.2015
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