

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14903 of 2015
Date of Decision:-7.12.2015.

Col. Jagwinder Singh Brar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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?

Present: Ms. Anju Arora, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. Naresh Prabhakar, Advocate for
respondent Nos.2 and 3.

Mr. Gurbir Singh Pannu, Advocate for respondent No.4.

SURYA KANT, J. (ORAL)

1.) Short reply filed by way of affidavit on behalf of respondent Nos.2 and 3 is taken on record.

2.) The petitioner, respondent Nos.4, 6 and 7 are sons/daughter of respondent No.5. House No.35, Sector 71, SAS Nagar, Mohali was owned by Smt. Harbans Kaur Brar, wife of respondent No.5 and mother of the petitioner, respondent Nos.4, 6

and 7. She has unfortunately passed away on 01.02.2015. The property is required to be transferred in favour of legal heir(s) in accordance with law, for obviously the succession cannot remain in abeyance. While the petitioner and respondent Nos.5 to 7 have applied for the transfer of house in favour of all the legal heir(s) of deceased owner in equal share, respondent No.4 claims that their deceased mother had executed a Will in his favour which he wants to prove before the Civil Court in accordance with law.

3.) In our considered view the rights of parties qua their inter se dispute, can be adequately safeguarded with a direction to respondent Nos.2 and 3 to transfer at this stage the house in favour of all the legal heir(s) of Late Smt. Harbans Kaur Brar. However, such transfer shall be subject to the decision that may be passed by the Civil Court in the event of initiation of any proceedings by respondent No.4. The needful shall be done by the Authorities within a period of two months.

4.) Disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 7, 2015.

sandeep sethi