

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

CWP NO. 18461 of 2015  
DATE OF DECISION: 10.9.2015.

**Hajara Begum @ Gurmail Kaur**

**....Petitioner.**

**vs.**

**State of Punjab and ors**

**.....Respondents.**

**CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**

Present: - Mr. N.L.Sammi, Advocate for the petitioner.

Mr. Yetinder Sharma, Addl. AG, Punjab

Mr. Naresh Jain, Advocate for respondent No. 5

**Rakesh Kumar Jain, J. (Oral)**

This petition is filed by one Hajara Begum @ Gurmail Kaur, the alleged widow of Kaka Shah resident of Village Hulka, P.S. Banur, Tehsil Rajpura, District Patiala, who is stated to have died on 19.8.2015 at Government Medical College and Hospital, Sector 32, Chandigarh. His dead body is lying in the Mortuary of the said hospital. This petition is filed for seeking a direction to the respondents, more particularly, the Director/Incharge of the Government Medical College, Sector-32, Chandigarh-respondent No. 4 to hand over the dead body of late Kaka Shah to the petitioner for the purpose of cremation/burial.

Notice was issued to the respondents on 3.9.2015 for today. At the time of hearing Sh. Naresh Jain, Advocate has put in appearance and requested to allow him to intervene in this petition on behalf of Shauqat Ali son of Hassan Mohammad @ Nanak Shah son of late Kaka Shah resident of Kahangarh Road, Anand Basti, Patran, Tehsil Patran, District Patiala alleging that he is the grand son of Kaka Shah who had entered into matrimony with the petitioner-Hajara Begum @ Gurmail Kaur, as per Muslim rites on 19.4.1994, after having been converted from Hinduism to Islam. Kaka Shah (deceased) had divorced the petitioner before his death in the year 2009, therefore, the petitioner is not entitled to seek custody of the dead body of Kaka Shah as Shauqat Ali is the only legal heir of Kaka Shah.

At this stage, learned counsel for the petitioner submits that he is not claiming any inheritance on account of death of late Kaka Shah and is pressing this petition only for the purpose of his respectful burial.

Sh. Naresh Jain, learned counsel has submitted that he has no objection if the petitioner only wanted to participate in the burial ceremony but he insist that the deceased should be buried in his village at Patran, District Patiala whereas learned counsel for the petitioner submits that Kaka Shah belongs to Village Hulka, Tehsil Rajpura, District Patiala, therefore, the burial should take place in that village.

Keeping in view the divergent stand taken by both the parties and to give peace to the departed soul who has allegedly left no property to which both the parties should fight in the Court, it is directed that respondent No.4 shall hand over the dead body of Kaka Shah to both Hajara Begum @ Gurmail Kaur-present petitioner and Shauqat Ali, grand son of Kaka Shah together, who are further directed to cremate/burial the dead body of Kaka Shah in the burial ground of Sector 25, Chandigarh.

Respondent No. 4 is directed to handover the body of Kaka Shah immediately.

Disposed of.

Copy of this order be given dasti under the signatures of the Bench Secretary.

(RAKESH KUMAR JAIN)  
JUDGE

10.9.2015  
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