

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

**ESA No.66 of 2014 (O&M)
Date of Decision:18.02.2015**

Inderjit Singh and another

. . . . Appellants

Vs.

Food Corporation of India and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Nakul Sharma, Advocate,
for the appellants.

RAKESH KUMAR JAIN, J.

The appellants objections having been dismissed by both the Courts below has led to the filing of the present appeal.

While dismissing their appeal, the Appellate Court made the following observations: -

“At this stage, it does not lie in the mouth of objector to state that he has inherited the attached property from his grand-father directly and not through his father Jagtar Singh. It is pertinent to mention over here that a person would inherit property directly from his grand-father only by way of a testament. If such a property comes to his hands by way of natural succession, it has necessarily to come to him from his grand-father though his father. In the case in hand, it is not the case of the objector that he has acquired the attached property from his

grand-father by way of a Will. In the said circumstances, this Court is of considered opinion that attached property has come to objector Inderjit Singh through his father Jagtar Singh son of Gajjan Singh and which Jagtar Singh in the civil suit has been specifically held to be a partner of M/s Jagtar Singh and company and against which company decree is to be executed.”

Learned counsel for the appellants has laid great stress upon the entry in the jamabandi to contend that the property in dispute has come to the appellants from their grand-mother Bachan Kaur and has also placed on record a Will by way of CM No.1498-C-2015.

Actually, the appellants are not sure as to how the property has been acquired by them because before the Appellate Court it was argued that they have inherited the property directly from their grand-father but now it is sought to be argued that the property in dispute was inherited from their grand-mother Bachan Kaur by way of a Will. They cannot be allowed to approbate and reprobate and thus, the present appeal is found to be without any merit and hence, the same is hereby dismissed.

18.02.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**