

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2475 of 2012 (O&M)

Date of Decision.13.08.2015

Budhpartap Singh

.....Appellant

Versus

Manjit Kaur and others

.....Respondents

Present: Mr. H.S. Batth, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The plaintiff who impleaded himself to be son of one Mehal Singh was proved at the evidence by the defendant by production of birth certificate for the plaintiff that he was a natural born son of Pal Singh and Kashmir Kaur. The birth certificate was filed as Ex.D1. The subsequent succession certificate issued at enquiry after death of the Mehal Singh also showed that the widow Manjit Kaur, daughter Mandeep and mother Harbans Kaur were alone shown as heirs. Though this has no final significance with reference to heirship, the argument before me is that he was adopted son of Mehal Singh and he was adopted at the age of 8. The counsel would contend that the school leaving certificate referred to Mehal Singh as his father and even the provident fund accruals had been given to him amongst the wife and daughter, as a nominee. The voter card also referred to him as the son of Mehal Singh.

2. It is one thing that Mehal Singh to treat the plaintiff as son

but quite another that he was actually the son or the adopted son. If he was the son, it was clearly shown through documents filed by the defendant that he was the natural son to some other persons by production of his birth certificate. Then the argument must have been that he was adopted son. There was no such plea for supporting such a contention. On the other hand, the suit was for a declaration that he was the legal representative of Mehal Singh and that he was entitled to declaration that the plaintiff and defendants were owners in possession of several lands as heirs of Mehal Singh. The issue, therefore, that was most essential was to see whether he was a heir. If he was a natural born son to Pal Singh and Kashmir Kaur and he had been adopted son, unless there was a plea regarding adoption or proof of adoption, there was no way that the plaintiff could treat himself as heir by the only fact that he had been shown as a son of Mehal Singh in the school records or he had been shown as one of the beneficiaries of the provident fund accumulations. The two courts below have correctly approached the issue regarding the plaintiff's claim to heirship and dismissed the same.

3. There is no scope for making an intervention. The regular second appeal is dismissed setting up no substantial question of law for consideration.

(K. KANNAN)
JUDGE

August 13, 2015
Pankaj*