

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

**RSA No.2077 of 2013 (O&M)
Date of Decision: August 13, 2015**

Surjit Kaur and others

.... Appellants

vs.

Parkash Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. M.S. Sidhu, Advocate for the appellants.

Mr. Vikram Rathore, Advocate for
Mr. Jaideep Verma, Advocate for respondent No.1.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present second regular appeal is the judgment and decree dated 13.03.2013 passed by learned District Judge, Ludhiana, affirming the judgment and decree dated 12.12.2009 passed by learned Civil Judge (Jr. Divn.), Ludhiana, vide which the suit of plaintiff Parkash Kaur for declaration to the effect that the plaintiff is owner of 1/7th share in the suit property, measuring 192 kanals, fully detailed in the head note of the plaint, was decreed. Permanent injunction was also sought for restraining the defendants from alienating selling or transferring the suit property to anybody else.

Learned counsel for the appellants has argued that in this case, there was a Will in favour of the sons of the deceased.

However, it is also not denied that defendants did not lead any evidence to prove the exclusive claim over the suit property. The plaintiff is one of the class-I legal heir and secondly both the courts below granted the declaration regarding her 1/7th share.

Learned counsel for the appellants has further argued that the defendants want to lead additional evidence to the effect that the plaintiff had made a statement before the Revenue Authority raising no objection to the Will. On the basis of which mutation was sanctioned in favour of the defendants.

I am of the view that mutation will not confer any title. Plaintiff is class-I heir and there is nothing on the file to show that she is not entitled to any share arising out of natural succession. The findings of facts have been recorded by both the courts below. No question of law much less substantial question of law arises in this case.

As such, there is no ground to interfere in concurrent findings of both the courts below.

Accordingly, the present appeal is dismissed.

August 13, 2015
sarita

(KULDIP SINGH)
JUDGE