

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

RSA No.1561 of 2015

Date of decision:07.12. 2015

Veena Devi and others

-Appellants

Versus

Bhallo Devi and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. N.D. Achint, Advocate
for the appellants.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Defendants are in second appeal in a suit for recovery.

[2]. Admittedly husband of the appellant Ashok Kumar died on 04.01.2009. The deceased was insured in terms of different policies of LIC/SBI Life Insurance/PACL India Ltd./ICICI Prudential/Bajaj Allianz etc. After the death of Ashok Kumar, defendant No.1 being widow, Smt. Bhallo Devi (mother) and Riya Garg and Aman Garg (minors) being Class-I heirs of Ashok Kumar were entitled to the benefit of aforesaid policies.

[3]. The suit came to be filed by Bhallo Devi mother of the deceased and both the minor children on the ground that defendant No.1 left the company of Ashok Kumar and got the entire family involved in criminal litigation.

[4]. Both the Courts have found that plaintiff being mother of deceased is entitled to 1/4th share of the amount. Both the minor children were also entitled to 1/4th share each in total amount of Rs.9,00,000/- and defendant No.1 was also entitled to 1/4th share being widow of Ashok Kumar. Trial Court decreed the suit to the extent of 1/4th share of plaintiff No.1. Defendant No.1 filed appeal for herself as well as on behalf of minors being mother and natural guardian. In said appeal, cross-objection was filed by mother/plaintiff on her behalf as well as on behalf of minors being grand-mother and guardian. The lower Appellate Court in equitable consideration of facts and circumstances of this case held that all the Class-I heirs of Ashok Kumar are entitled to 1/4th share.

[5]. I have heard the learned counsel for the appellant and in my considered opinion there is lawful distribution of insured amount of deceased-Ashok Kumar. Mother, widow and minor children are Class-I heirs of deceased Ashok Kumar, therefore, no exception can be made to the findings recorded by both the Courts below.

[6]. No lawful point worth consideration is involved. This appeal is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

December 07, 2015
prince