

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

RSA No.2654 of 2015 (O&M)

Date of Decision: November 19, 2015

Sudesh

.... Appellant

vs.

Satbir Singh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Saurabh Dalal, Advocate for the appellant.

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)

CM Nos.6753-C and 6754-C-2015

There is delay of 11 days in re-filing and 1 day in filing the present appeal.

For the reasons mentioned in the applications, supported by affidavits, delay of 11 days in re-filing and 1 day in filing the present appeal is condoned.

Applications stand disposed of.

RSA-2654-2015

Impugned in the present regular second appeal is the judgment and decree dated 17.12.2014 passed by learned Addl. District Judge, Rohtak, affirming the judgment and decree dated 18.01.2014 passed by learned Civil Judge (Jr. Divn.), Rohtak, vide which the suit of the plaintiff for permanent injunction restraining the

defendants to alienate the suit property in any manner and not to exclude the plaintiff from her joint possession, was dismissed.

The plaintiff has claimed that the suit property was originally owned by her father Lal Chand. The defendants are her brothers. According to the plaintiff, she had 1/7th share in the suit land.

The defendants claimed that there is a Will in their favour on the basis of which, they claimed possession over the entire suit property.

It comes out that the plaintiff is a married daughter of Lal Chand, who died much earlier before the amendment in the Hindu Succession Act, 1956 in the year 2005. Therefore, the plaintiff cannot be coparcener in the property of her father.

Moreover, no declaration is sought that the Will set up by the defendants is illegal and that the plaintiff is entitled to get her share in the suit property. Therefore, simple suit for permanent injunction is otherwise is not maintainable. The findings of the facts have been recorded by both the courts below. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

November 19, 2015
sarita

(KULDIP SINGH)
JUDGE