

Sr. No.205

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

**COCN No. 2103 of 2014
Date of decision:30.08.2016**

Monti Roy

.....Petitioner

versus

Shruti Singh

.....Respondent

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Jaideep Verma, Advocate
for the petitioner.

Mr. Sandeep Khunger, Advocate
for the respondent.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for the alleged disobedience of the order dated 8.10.2012(Annexure P-1). The relevant portion of the order is reproduced as under:-

“Counsel for the parties are ad-idem that in CWP No. 1603 of 2012, the question of fact whether the petitioner(Monti Roy) is the legal heir of Smt. Udham Kaur can be effectively determined by the Administrator/Chairman of the Trust on consideration of the documents/material if any, produced by the petitioner for such determination.

In our considered view, the Administrator/Chairman of the Trust shall be required firstly to find out as to how many legal heirs were left behind by Smt. Udham Kaur and whether the petitioner also falls in the line of succession in accordance with the provisions of Hindu Succession Act, 1956. The

Administrator/Chairman of the Trust shall also be required to find out whether any other legal heir of Smt. Udham Kaur ever raised, granted or declined such claim. This can be done by issuing a public notice at the expense of the petitioner. The petitioners shall be required to produce the documentary proof to establish his relationship with Smt. Udham Kaur within Class-I or Class-II or other category of legal heirs as per the Hindu Succession Act, 1956. The petitioner's claim shall be determined within a period of 6 months in accordance with law. Suffice it would be to observe that if the petitioner is found to be legal heir of Smt. Udham Kaur and eligible for allotment of plot under the LDP scheme, such an allotment shall be made in his favour at the current reserved price.”

Counsel for the respondent has submitted that in order to determine the legal heirs of Udham Kaur, it would be relevant to decide the factum of the death of Udham Kaur. It is submitted that repeatedly the petitioner has been asked to submit the original death certificate of Udham Kaur w/o Amar Singh but the said certificate has not been submitted so far. It is further submitted that the persons who are claiming property of Udham Kaur are all producing photo copies of Will as there were three Will's set up of the property of Udham Kaur as by Balwant Singh Roy, Monit Roy and Manjit Kaur Roy but so far, the original Will has not been produced by any one.

Be that as it may, at this stage, there no cause of action is available to the petitioner to file the contempt petition as he himself has not

submitted the required document to the respondent. In case, the documents required by the respondent are submitted then the respondent shall abide by the order passed by this Court as mentioned hereinabove.

Till then, I do not find any reason to interfere in this petition and the same is hereby dismissed.

30th August, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No