

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

C.R.No.3020 of 2016

Date of Order: 29.4.2016

Bikram Singh

....Petitioner

Versus

Kamaldeep Singh and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. H.S. Bedi, Advocate for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

The petition is at the instance of defendant No.1, who in the suit is seeking 1/4th share in the father's estate claimed by his brother.

The contention is that the alleged division amongst the heirs, namely, two sons, two daughters and the widow is not valid since the mother had already divorced her husband even before the death of Iqbal Singh. Defendant No.1 supports the plea of one more sister and the mother that the property would require to be divided only in five shares and the plea of divorce is not true. Defendant No.4 (respondent No.2 herein), who is

sister of the petitioner-defendant No.1, has different contention to make to support the plaintiff's claim for 1-4th share but through a different line of reasoning. The property is ancestral in character. The mother was divorced and the property would require to be divided in four shares. Defendant No.4 is reported to have filed a counter claim seeking for 1/4th share and according to defendant No.1, his counter claim has not been verified and there cannot be any claim against the co-defendant.

Plaintiff had filed an application that defendant No.4 should cross examine defendant Nos.1 to 3 first before the plaintiff. Defendant No.4 has been permitted to cross examine defendant No.1 and the case is posted for further arguments. It will not be proper to make intervention at this stage and I find no prejudice being caused resulting from such recourse.

Revision petition is dismissed.

April 29, 2016
manoj

(K.KANNAN)
JUDGE