

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

**CR No.5345 of 2014 (O&M)  
Decided on: 04.05.2016**

Surinder Kaur (since deceased) through her LRs

....Petitioner

Versus

Resham Singh and others

....Respondents

**CORAM: HON'BLE MRS JUSTICE REKHA MITTAL**

**Present :** Mr. Vikram Anand, Advocate  
for the petitioner.

Mr. Prateek Pandit, Advocate  
for respondents No.1 and 2.

Mr. Ranjan Lohan, Advocate  
for respondent No.3.

**REKHA MITTAL, J.**

The present petition has been directed against order dated 02.07.2014 (Annexure P-5) passed by the trial Court whereby an application filed by the petitioner/plaintiff for issuance of direction to prepare an excerpt (*Intkhaf*) has been dismissed.

Counsel for the petitioner would contend that Surinder Kaur (since deceased) represented through her LRs along with her mother Bant Kaur have filed a suit for declaration that they are owner in possession of land, detailed in headnote of the plaint and the sale deeds dated 20.10.2010 one in favour of Resham Singh-defendant No.1 of land measuring 12 kanal 01 marla and another in favour of Surjeet Kaur-defendant No.2 of land measuring 33 kanals 10 marlas got executed from Sadhu Singh son of Narain Singh are illegal, void, inoperative and ineffective upon rights of the plaintiffs. It is further argued that it has been pleaded that the suit property was co-parcenary

and Joint Hindu Family property of the plaintiffs and Sadhu Singh (since deceased) and was standing in the name of Sadhu Singh as head of the Joint Hindu Family. The suit property mentioned at Serial Nos.'a' to 'h' was inherited by Sadhu Singh from his father-Narain Singh. The land detailed at Serial Nos.'i' to 'k' was purchased by Sadhu Singh from the income of land inherited by him and as such, the entire land standing in the name of Sadhu Singh was Joint Hindu Family coparcenary property of Sadhu Singh. It is further submitted that in order to prove on record that the suit land was Joint Hindu Family coparcenary property in the hands of Sh. Sadhu Singh being *Karta* of the Hindu Undivided Family, it is necessary to issue directions to the concerned Revenue Officer (*Sadar Kanugo*) to prepare an excerpt (*Intkhaf*) but the trial Court has committed a gross error rather illegality in dismissing the application. In support of his contention he has referred to judgment of this Court “***Gurmeet Singh vs Sadhu Singh***”, 2012(4) RCR (Civil) 625.

Counsel for the respondents, on the contrary, has supported the impugned order with the submissions that the application filed by the petitioner is vague as it does not make reference to the period from which the said excerpt (*Intkhaf*) is required to be prepared by the concerned *Sadar Kanugo*. Another submission made by counsel is that suit filed by the plaintiffs cannot be allowed unless they are able to establish their plea that the sale deeds executed by Sh. Sadhu Singh in favour of the contesting respondents are the result of fraud or misrepresentation.

I have heard counsel for the parties, perused the records

particularly the order impugned.

In the plaint, the plaintiffs have alleged the suit property to be Joint Hindu Family co-parcenary property with the plea that a part of the suit land was inherited by Sh. Sadhu Singh from his father-Narain Singh and the remaining part was purchased by Sadhu Singh from the income derived from the land inherited by said Sadhu Singh. It is not the plea of the plaintiffs that any part of the suit land was inherited by Narain Singh from his father and Narain Singh's father inherited the same from his father in order to plead and prove that the suit land was co-parcenary in the hands of Sadhu Singh. Secondly, the application filed by the plaintiffs is vague as it does not make a specific mention of the period of which the revenue record is required to be consulted by the *Sadar Kanugo* for preparing the excerpt. Even in the application for preparation of excerpt (*Intkhaf*) there is no reference that any part of the suit land was inherited by Narain Singh from his father or forefathers. In this view of the matter, I find myself unable to accept the submissions made by counsel for the petitioner that the application filed by the petitioner is liable to be accepted after setting-aside the order passed by the trial Court.

In view of the discussion made hereinbefore, the petitioner cannot derive any advantage to his contention from the observations made in *Gurmeet Singh's case (supra)*.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed.

**04.05.2016**  
*yakub*

**(REKHA MITTAL)**  
**JUDGE**