

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

RSA No.1827 of 2012 (O&M)

Date of decision:18.02.2016

Kultar Singh

... Appellant

Vs.

Balwinder Singh & others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. R.S.Chauhan, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.5035-C of 2012

Deficiency of the Court fee, has been made good.

C.M. stands disposed of.

RSA No.1827 of 2012 (O&M)

The appellant-plaintiff is aggrieved of the dismissal of the suit challenging the mutation of inheritance of the estate of Lakhwinder Singh son of Harnam Singh, who is none else but brother, in favour of mother, i.e., defendant No.2-Darshan Kaur, as well as, claim of joint possession, has been declined, by both the Courts below.

Mr. R.S.Chauhan, learned counsel appearing on behalf of the appellant-plaintiff submits that impugned mutation was an

apparent collusion between the mother and other brothers, thereafter, the estate property in dispute has been sold to other brothers, thus, appellant-plaintiff has been deprived of his right. The aforementioned facts have been proved on record, but the Courts below have failed to notice the same, thus, there is illegality and perversity in the findings rendered by both the Courts below, much less, substantial question of law arises for adjudication of the present appeal.

I have heard learned counsel for the appellant-plaintiff and appraised the impugned judgments and decrees of the Courts below.

As per the provisions of Hindu Succession Act, mother is Class I heir, in case of any son pre-deceased and dies issueless. The status of the appellant-plaintiff being brother is a collateral being class II heir. He has no right and interest in the property during the life time of his mother, rightly so, mutation of inheritance has been transferred in favour of mother. Once the mother becomes the absolute owner, she can deal with the property in any manner she wants.

In view of the aforementioned observations, I do not intend to differ with the findings rendered by both the Courts below, which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination of this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 18, 2016
savita