

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

RSA No.2831 of 2012 (O&M)

Date of decision: 10.05.2016

Jagraj Singh

....Appellant

Versus

Gurdev Kaur and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajan Bansal, Advocate
with Mr. Tarsem Singh son of Jagraj Singh-appellant.

Mr. G.S. Toor, Advocate
with Smt. Gurdev Kaur and
Kulwinder Kaur-respondents No.1 and 2 in person.

REKHA MITTAL J.

Counsel for the parties have submitted that dispute in regard to inheritance to the estate of Sh. Bachittar Singh in land measuring 56 kanals 01 marla described in Sub-paras A and B of the decree-sheet dated 07.09.2011 passed by the Additional Civil Judge (Sr. Division), Barnala, has been settled by way of compromise and there was no dispute between the parties qua land measuring 07 kanal 07 marla described in Para C of the aforesaid decree in regard whereof, a sale deed was executed in favour of Smt. Gurdev Kaur by Sh. Bachittar Singh.

Affidavits of Kulwinder Kaur and Gurdev Kaur filed in the Court are taken on record.

Counsel for the appellant has submitted that as Sh. Jagraj Singh-appellant is not in a position to appear before the Court due to his ill health, he has the instructions to say that dispute in regard to land measuring 56 kanal 01 marla be decided on the basis of

compromise to the effect that 60% of land to the extent of 30% each shall be inherited by Jagraj Singh-appellant and his brother-Sukhwinder Singh now represented by his legal representatives namely, Jaswinder Kaur and others. The remaining 40% land out of 56 kanal 01 marla shall be inherited by Smt. Gurdev Kaur – widow and Kulwinder Kaur – daughter of Bachittar Singh to the extent of 20% each and the appeal may be disposed of accordingly.

Counsel for respondents No.1 and 2 would submit that in view of the submissions made by counsel for the appellant and affidavits filed by Smt. Gurdev Kaur and Kulwinder Kaur taken on record, the appeal may be disposed of in the aforesaid terms.

In view of the above, the judgments and decrees passed by the Courts below are modified in the following terms:-

- 1. Jagraj Singh and Sukwinder Singh (since deceased) sons of Bachittar Singh shall be entitled to a share of 30% each in land measuring 56 kanal 01 marla detailed in Paras A and B of the decree dated 07.09.2011 passed by the trial Court.*
- 2. Gurdev Kaur and Kulwinder Kaur shall be entitled to a share to the extent of 20% each in the aforesaid land measuring 56 kanal 01 marla.*
- 3. Land measuring 07 kanal 07 marla detailed in Para C of the decree-sheet dated 07.09.2011 shall be the ownership of Smt. Gurdev Kaur.*
- 4. The affidavits filed by Gurdev Kaur and Kulwinder Kaur shall be a part of the decree. The parties shall remain bound by the statements made by their respective counsels.*

10.05.2016

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(REKHA MITTAL)
JUDGE