

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

**CR No.3212 of 2017 (O&M).**

**Date of Decision: 05.05.2017.**

Subhra Rani @ Sugran Dhap and others

....Petitioners.

**VERSUS**

Amar Kaur (since deceased) through her legal representatives Baldish Kaur  
etc. and Harbans Kaur

....Respondents.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. Hemender Goswami, Advocate for the petitioners.

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**SNEH PRASHAR, J.**

**CM-9979-CII-2017**

Allowed, as prayed for.

**CR-3212-2017**

The instant petition has been filed assailing the order dated 17.04.2017 passed by learned Civil Judge (Junior Division), Ludhiana dismissing the application of the petitioners under Order VII Rule 11 of the Civil Procedure Code for rejection of plaint.

The submissions made by Mr. Hemender Goswami, learned counsel representing the petitioners have been considered.

Learned counsel for the petitioners contends that the instant suit claiming share in the property left by Banta Singh has been filed by respondent No.1-plaintiff after 37 years of the death of Banta Singh claiming to be his daughter from his first marriage. However, in the

pleadings, she neither stated the name of her mother nor stated when and where her mother was married to Banta Singh. For want of complete facts, the plaint is liable to be rejected.

There appears no force in the argument of learned counsel for the petitioners. The petitioners may be disputing the relationship of respondent No.1-plaintiff (since deceased and being represented through her daughters and son) with deceased Banta Singh, but as submitted by the petitioners, the plaintiff pleading that she is daughter of Banta Singh from first marriage is claiming 1/8th share in the suit property and has prayed for separation of her share. There is no limitation for claiming to be owner/ co-sharer in the property on the basis of natural succession. As far as the relationship of the respondent-plaintiff with deceased Banta Singh is concerned, the burden is on her to prove the same. For the mere reason that she did not mention the name of her mother in the pleadings, is no ground to reject the plaint.

Thus, there being no illegality or perversity warranting interference in the order of learned trial Court, the petition is dismissed.

**(SNEH PRASHAR)**  
**JUDGE**

**05.05.2017.**  
*jitender sharma*

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**