

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

202

RSA-489-2009

Date of decision: 30.10.2017

SURJIT KAUR

...APPELLANT

VS

JOGINDER SINGH & ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Hitesh Kaplish, Advocate
for the appellant.

Mr. M.L.Saggar, Senior Advocate with
Ms. Arman Saggar, Advocate
for respondent No. 1.

Mr. P.S. Thiara, Advocate with
Mr. Harnaik Singh, Advocate
for respondents No. 2 to 5.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the concurrent judgements of the Court below decreeing the suit filed by the respondent No.1. The respondent No.1 had claimed that he alongwith one sister namely Kamla were the only legal heirs of his brother Charan Singh who died during service in Punjab State Electricity Board on 3.7.1994. During the pendency of the suit the appellant moved an application for being impleaded as a party on the ground that she was the wife of aforesaid Charan Singh. Both the Courts below however held that the respondent No.1 alongwith her sister were the only legal heirs of Charan Singh and consequently decreed the suit.

Counsel for the appellant has argued that the Courts below did not consider the document Ex. DW-4/A. Learned Senior Counsel appearing for

respondent No.1 has however argued that there was ample evidence to show that the appellant had never got married to Charan Singh. As per him, it was admitted that the appellant was earlier the wife of Joga Singh and the appellant had given an affidavit to Joga Singh's employer stating that she had never married again. Moreover, both the Courts below found that the appellant had not been able to prove her marriage with Charan Singh because none of the witnesses who had appeared in her favour stated that marriage ceremony took place in their presence. As regards Ex.-DW-4/A learned Senior Counsel has argued that had that been a document which was with the employer i.e. Punjab State Electricity Board it may have carried some weight but that document was never submitted to the employee-Board. It was further pointed out that appellant never raised a claim about the retiral benefits or even regarding property of Charan Singh which has now been mutated in the name of the the respondent No.1 and his sister. Counsel for the appellant has not been able to answer these factual submissions.

In the circumstances, no fault can be found in the judgments of the Courts below.

The appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of. .

30.10.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No