

CWP-5771-2017 (O&M)
Date of Decision : 29.03.2017

Mandeep KaurPetitioner

versus

State of Punjab and othersRespondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Rahul Rampal, Advocate
for the petitioner.Mr. S.S. Chandumajra, Addl.A.G., Punjab
for respondents No. 1 to 3.Mr. S.P.S. Sidhu, Advocate
for respondent No. 4.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner claims that she is daughter-in-law of Kanwaljit Kaur. It is not disputed that respondent No. 4, Ominder Kaur is the daughter of deceased, Kanwaljit Kaur. A dispute has arisen after the death of Kanwaljit Kaur, as to who has got a right to receive the dead body and perform the last rites. It appears that during the life of Kanwaljit Kaur, there had been clash of interest of the parties probably on account of some material aspects on certain allegations. The petitioner had gone to the extent of levelling allegations that the husband of the petitioner, Jaswinder Singh had been murdered by the husband of respondent No. 4.

Without expression of any opinion on the civil or criminal dispute between the parties, the fact remains that the dead body of Kanwaljit Kaur is lying in the mortuary of DMC Ludhiana. It has been informed that the deceased has other relations from maternal and

paternal side.

In the interest of justice, it is ordered that irrespective of any rival claims of the parties, the dead body of Kanwaljit Kaur be released to her real brother Amrit Singh and/or the real sister Balwinder Kaur for performance of last rites. It will be the duty of SHO, Police Station Sahnewal to ensure that there is no breach of peace from the step of handing over of the dead body till its cremation and performance of last rites by the petitioner or her associates or by respondent No. 4, Ominder Kaur or any of her agents or associates. However, both Mandeep Kaur and Ominder Kaur, will be permitted to participate in the last rites and to be present without creation of any breach of peace. In case of any such eventuality, on the report of SHO concerned, the District Magistrate will be entitled to pass any order in order to ensure that there should be neither any breach of peace nor the cremation or performance of last rites regarding the body of Kanwaljit Kaur is interrupted. It is also ordered that in case the situation appears to be out of control, it will be at the discretion of the SDM concerned to depute any religious society or authority to cremate the body and distribute the remains under his direction to whosoever claims to be interested in the same. It is made clear that cremation of the body or performance of last rites conducted under the direction of this Court will neither confer any legal right in any party nor it will defeat the right of any party.

It is ordered that the cremation will be conducted at Ludhiana, in the manner and under the supervision of the above said

authorities.

The petition is disposed of with above directions.

Let copy of the order be handed over to the counsel for petitioner, State counsel and counsel for respondent No. 4 *dasti* under the signatures of Court Secretary, so that the order may be implemented within a period of 2-3 days.

(M.M.S. BEDI)
JUDGE

29.03.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No