

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

**RSA No.4759 of 2014 (O&M)
Date of decision : 31.07.2017**

Sukhmander Singh and another

..... Appellants

versus

Major Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ravish Bansal, Advocate
for the appellants.

Mr. G.S.Sandhu, Advocate
for the respondents.

AJAY TEWARI, J.(ORAL)

This appeal has been filed against the judgment of the appellate Court allowing the appeal of the caveator-respondents and thereby dismissing the suit filed by the appellants-plaintiffs.

The dispute relates to the property of their father-Jugraj Singh who had admittedly died on 17.09.1997. At that time he was survived by the two appellants-plaintiffs, their step mother-Kartar Kaur and their step brother-Major Singh (among others). Kartar Kaur transferred the property which was mutated in her name after the death of Jugraj Singh in favour of her son-Major Singh and it is this transfer which has been challenged by the appellants-plaintiffs on the grounds that firstly Kartar Kaur was not in a sound disposing mind at the time of the transfer and, secondly the property was ancestral in the hands of their father-Jugraj Singh and therefore she

only had a life interest and could not transfer the same. The lower appellate Court held that as regards the capacity of Kartar Kaur, appellants-plaintiffs not being her legal heirs did not have the *locus standi* to challenge the same. As regards the averment that the property was ancestral in the hands of Jugraj Singh the appellate Court, on evidence held that the appellants-plaintiffs had not been able to prove the same, and secondly the mutation in her favour was saved by the Section 14 of the Hindu Succession Act.

Learned counsel for the appellants-plaintiffs has not been able to show me how these findings suffer from any illegality.

Appeal stands dismissed.

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

31.07.2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No