

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.2654 of 2017(O&M)

Date of Decision: 17.05.2017

Nanagi

... Appellant

Versus

Station Master, Railway Station, Hisar & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Kulwant Singh Dhanora, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.(Oral)

1. This appeal must fail for the reason that the deceased Ram Singh, son of late plaintiff Nanagi, adopted a girl child during his life time. The wife and children of late Ram Singh predeceased him. He was left alone and record reveals that he adopted his brother-in-law's daughter. During the pendency of the litigation, the plaintiff died and is presently represented by LRs, who are the brother and sisters of late Ram Singh, who was an employee of the Indian Railways, serving in the Bikaner and Hisar Division. Both the plaintiff and adopted daughter defendant No.3 were Class I heirs in succession to the service estate of late Ram Singh and on his death by inheritance they became shareholders to the extent of 50% each on the death of Ram Singh in harness on April 22, 2010. The plaintiff-Nanagi died on August 30, 2014 during the pendency of the civil suit. The only Class I heir left behind by Ram Singh was Varsha Saini legally adopted daughter-defendant No.3. The pensionary benefits have not been paid to the claimants. Her adoption was not put in issue in the trial since issue was not claimed or struck. The LRs would have no actionable claim to the service estate of late

Ram Singh in the presence of Class I heir they being Class II heirs. Both the

Courts have concurrently reached this conclusion which is in accordance with law of succession among Hindus and have dismissed the suit. The lawful owner of disputed movable property of late Ram Singh is the 3rd defendant.

2. For the reasons above stated, there is no substance in the appeal which has no question of law to be decided in second appeal. The same is ordered to stand dismissed.

17.05.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>