

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

RA-RS No.18-C of 2015 (O&M)
IN RSA No. 956 of 2013
Date of decision: 13.1.2017

Geeta Devi (deceased) through LRs

.. Applicant

vs

Nathu

..Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sudhanshu Makkar, Advocate, for the applicant.

Rajesh Bindal, J.

The main appeal was dismissed in limine on 14.7.2014 holding that the Will, which was challenged by the applicant, was not surrounded by suspicious circumstances. The applicant preferred Special Leave Petition, before Hon'ble the Supreme Court, which was dismissed as withdrawn with liberty to file review application before this Court. Hence, the present review application has been filed, on the plea raised before Hon'ble the Supreme Court that even if the Will is held to be valid, still Lichhma could bequeath only half of the property inherited by her, as the applicant herein who is daughter of late Nand Ram and Lichhma was to inherit half share in the property along with her mother after the death of her father.

Learned counsel for the applicant has referred to specific pleadings to the fact that the applicant would inherit the property left by her father after his death along with her mother in half share each and her mother Lichhma at best could have executed the Will only to the extent of

half of the property left by late Nand Ram, to which there is no specific reply. Lichhma had executed a Will in favour of her distant cousin. The rights of the predecessor-in-interest of the applicant could not be affected by the Will executed by late Lichhma to that extent. As this issue was not considered, in my opinion, the order dated 14.7.2014 dismissing the appeal in limine, deserves to be re-called.

Ordered accordingly.

The appeal is restored to its original number. Let the same be now listed as per roster on 31.1.2017.

The review application stands disposed of.

(Rajesh Bindal)
Judge

13.1.2017
sharmila

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No