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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RFA 708/2017

PARAMJIT KAUR & ORS

..... Appellants

Through: Mr. Ashish Kapur and Ms. Chhavi
Luthra, Advs.

versus

JASWANT SINGH (SINCE DECEASED) THR LRS & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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09.08.2017

1. Learned counsel for the appellants argues that though the subject suit was tried with respect to the properties being HUF properties, but that otherwise however even if the two properties bearing nos. 2254, Hudson Line, Kingsway Camp, GTB Nagar, Delhi and one shop D-90, Phase-II, Mayapuri, New Delhi are taken as self owned properties of the father-in-law/original defendant no.1/Sh. Jaswant Singh, then in such a case since the appellants/plaintiffs are the legal heirs of the deceased son Sh. Gurbhachan Singh of Sh. Jaswant Singh, the appellants/plaintiffs would have rights in the suit property under the Hindu Succession Act.

2. Since the cause of action pleaded of entitlement to the two aforestated properties on the ground of entitlement under the Hindu Succession Act was not the subject matter of the present suit, accordingly, the claim of independent title and entitlement to the aforestated two properties, it is prayed, will be sought by the appellants/plaintiffs by filing an independent suit, and therefore, it is prayed that this appeal be disposed of as not pressed for this reason.

3. In view of the above, this appeal is disposed of as not pressed but appellants are always entitled to, of course in accordance with law, to file a suit for the aforesaid two properties and which suit will be decided as per the respective stands of the parties in the said suit and this Court makes no observation one way or the other with respect to the merits of the said suit which is proposed to be filed by the appellants/plaintiffs.

4. The appeal is disposed of as not pressed with the aforesaid observations.

VALMIKI J. MEHTA, J

AUGUST 09, 2017

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