

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM No.418-C of 2012 in/and
RSA No.173 of 2012 (O&M)
Date of Decision : 11.05.2018

Surjit Kaur

..... Appellant

Versus

Darshan Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Sarwinder Goyal, Advocate
for the appellant.

Ms. Sonia G.Singh, Advocate
for respondent No.1.

AJAY TEWARI, J. (Oral)

CM No.418-C of 2012

For the reasons recorded, the application is allowed. Delay of
13 days in filing the appeal is condoned.

RSA No.173 of 2012

This appeal has been filed against the concurrent judgments of
the Courts below dismissing a suit filed by the appellant.

The case of the appellant was that she and her sisters (proforma
respondents) had inherited equal share in the property of their father Amar
Singh and the Gift Deed executed by Amar Singh in favour of respondent
No.2, her sister, and the Will executed by him in favour of respondent No.1,
her sister's husband, were illegal. Both the Courts below held that the Will

and the Gift Deed were duly proved.

As regards the aforesaid two documents, the only argument which has been raised before me by the counsel for the appellant is that they were vitiated because Amar Singh was not in a fit and disposing state of mind being too old. However, no evidence was led to this effect. Consequently, no fault can be found with the findings of the Courts below that the two documents were duly proved.

The legal issue raised is that the property was coparcenary.

In my considered opinion, before the 2004 Amendment women could not be considered as coparcener and in that situation a sonless proprietor would become the absolute owner of the property. In the circumstances, no fault can be found with the judgments of the Courts below.

Appeal is dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

11.05.2018

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No