

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

**RSA No.973 of 2011 (O&M)
Date of Decision:04.04.2018**

Krishan Lal and others

...Appellants

Versus

Malkhan Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.H.K.Brinda, Advocate for the appellants in
RSA No.973 of 2011 and for respondents No.1, 3 and 4 in
RSA No.1503 of 2011.
Mr.Vijay Lath, Advocate and
Mr.Naveen Sharma, Advocate for the appellants in
RSA No.1503 of 2011 and for the respondents in
RSA No.973 of 2011.

ANIL KSHETARPAL, J. (ORAL)

This order shall dispose of two appeals bearing RSA Nos.973
of 2011 and RSA No.1503 of 2011.

During the course of arguments, learned counsel for the parties
have agreed that the property left by Late Shri Lachhman Singh has to be
divided equally among the nephews and nieces, i.e. children of pre-deceased
brothers Jalam and Suba Singh as provided in Section 11 read with List-II
of Schedule attached to the Hindu Succession Act, 1956. Nephews and
nieces fall in Entry No.4 of Schedule II.

In view of consensus arrived at on legal position, both the
aforesaid appeals are disposed of, directing the revenue authorities to make
necessary entry in the revenue record equally in favour of nephews and
nieces i.e. children of pre-deceased brothers Jalam and Suba Singh.

In RSA No.1503 of 2011, challenge is to the order of partition passed by the revenue authorities. Once the shares of the respective parties have been redetermined, any of the party shall be entitled to seek partition of the property according to their redetermined shares.

Both these appeals are disposed of accordingly.

04.04.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No