

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

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**RSA-1392-2015 (O&M)  
Date of Decision : 22.11.2018**

**Kuldeep Kaur**

**....Appellant**

**vs.**

**Kapur Kaur**

**....Respondent**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr. Vikram Anand, Advocate  
for the appellant.

Mr. Atul Jain, Advocate  
for the respondent.

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**AJAY TEWARI, J. (Oral)**

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

The respondent had filed suit claiming that she was a widow of Jagir Singh who had died issueless and therefore after his death she had inherited his entire property. She had challenged the mutation which the appellant had obtained on the ground that she was adopted daughter of Jagir Singh.

The case of the appellant on the other hand was that she had been adopted by the respondent and her husband-Jagir Singh and was entitled to inherit half share. As regards the actual adoption, the case of the appellant was that she had been put in the lap of her adoptive parents by her biological parents in the Gurudwara and a writing was also executed

to this effect. She was reflected in school record, in the voter list and ration card as being daughter of Jagir Singh and lastly, in her testimony, respondent had admitted that she and her husband had incurred the entire expenses of her marriage. Both the Courts below however held that these facts did not prove adoption and consequently, allowed the suit filed by the respondent. Hence, present appeal has been filed by the appellant.

Learned counsel has argued that five factors mentioned above which have not been denied (and rather one of them was specifically stated by the respondent and her husband) clearly shows that she was treated as daughter by the respondent and her husband. He has further argued that even though neither original writing could be proved nor was there any objective evidence of handing over the appellant to the respondent and her husband yet there was ample oral testimony of the customary mode of adoption that is by putting the appellant in the lap of respondent and her husband in the Gurdwara.

In my opinion, there has been a hoary custom in India whereby males children have been adopted for the religious purpose of 'Pind Daan', but there has been no custom as such for adoption of female and therefore the appellant cannot prove adoption by any customary mode and it can only be made by written instrument. In the present case, there is no written instrument and once the fact of adoption is not proved the appellant can have no right in the property.

In the totality of the circumstances, I am not persuaded to hold that the findings of the Courts below are either based on no evidence or on such perverse misreading of the evidence so as to justify interference of this

Court in second appeal. Consequently, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

22.11.2018  
anuradha

(AJAY TEWARI)  
JUDGE

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|---------------------------|---|--------|
| Whether speaking/reasoned | - | Yes/No |
| Whether reportable        | - | Yes/No |