

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

RSA No.4653 of 2016 (O&M)

Date of decision:27.11.2018

Bala Devi

... Appellant

Vs.

Sheela Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Akshit Aggarwal, Advocate for
Mr. Sherry K. Singla, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff though has been successful before the trial Court but remained un-successful in the appeal taken by the defendants before the Lower Appellate Court which reversed the findings of the trial Court.

The short point involved in the present appeal is whether the daughter claiming the property at the hands of her father to be ancestral can challenge the release deed dated 02.02.2001 or not?

The legislature has caused the amendment in Section 6 of Hindu Succession Act, 1956 in March, 2005 conferring the right to a married daughter in the ancestral property.

Without going on the nature and character of the property being ancestral but by treating it to be co-parcenary as per averments in plaint, a daughter did not have the right prior to the amendment.

In such circumstances, suit was not maintainable.

As an upshot of my findings, I do not find any illegality and perversity in the judgment and decree of the Lower Appellate Court being the last Court of facts and law which is based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 27, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No