

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.5291 of 2016 (O&M)

Date of Decision: November 21, 2018

Krishna Devi Dhawan & others

...Appellants

Versus

Manju & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Rahul Rampal, Advocate,
for the appellants.

AMIT RAWAL, J. (Oral)

CM No.13725-C of 2016

For the reasons mentioned in the application, which is supported by an affidavit, delay of 106 days in re-filing the appeal is condoned.

CM stands disposed of.

RSA No.5291 of 2016

The only grouse raised before this Court is with regard to the conferment of 1/4th share in favour of defendant No.1 alleged to be second wife of Sandeep Dhawan. Plaintiffs are none else but mother and children of Sandeep Dhawan and held entitled to 3/4th share qua the estate of Sandeep Dhawan.

Mr. Rahul Rampal, learned counsel for the appellants submitted that the conferment of 1/4th share in favour of respondent-defendant No.1 could not have granted in view of their own admission that she had married with Sandeep Dhawan during life time of first husband and divorce was not

granted by any competent court of law. In fact, it was a panchayati divorce.

I am afraid, the aforementioned argument is not sustainable, for, even if Manju had not been accorded status of wife, she was in living relationship with Sandeep Dhawan and cannot be ousted from the share conferred in a suit for possession by metes and bounds of the property in dispute.

For the reasons mentioned above, I do not find any illegality or perversity in the concurrent findings of fact and law arrived at by the courts below, which are based on appreciation of evidence. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

November 21, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No