

In the High Court of Punjab and Haryana at Chandigarh

RSA No. 4887 of 2016(O&M)

Date of Decision: 25.9.2018

Sukhwinder Kaur

---Appellants

versus

Harjit Kaur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. R.K.Girdhar, Advocate
for the appellant**

Rekha Mittal, J.

CM No. 12742-C of 2016

Prayer in this application is for condoning delay of 2 days in filing the appeal.

Heard.

Allowed as prayed for. Delay of 2 days in filing the appeal stands condoned.

Disposed of accordingly.

RSA No. 4887 of 2016

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit filed by Harjit Kaur, respondent No. 1-plaintiff claiming inheritance to the estate of Sh. Jaswant Singh being one of the class-I heirs of said Jaswant Singh, has been decreed to the effect that Harjit Kaur is owner to the extent of 1/3rd share in the suit

land previously owned by Sh. Jaswant Singh.

Perusal of the judgments passed by the courts would reveal that there is no dispute between the parties that Sh. Jaswant Singh left behind three class-I heirs namely Harjit Kaur (respondent No. 1 herein), Balwinder Singh (since deceased) represented by defendants No. 1 and 2 and Shmt. Baljit Kaur (since deceased) represented by defendants No. 3 to 5. Mutation in regard to inheritance of Sh. Jaswant Singh was sanctioned in favour of defendants No. 1 and 2 being successors-in-interest of Balwinder Singh son of Jaswant Singh. The successors-in-interest of Balwinder Singh have not set up any testamentary succession in favour of Balwinder Singh or defendant Nos. 1 and 2. Since, there is no dispute between the parties with regard to relationship of the respondent-plaintiff with Jaswant Singh and so also the fact that Jaswant Singh left behind three class-I heirs, no error much less perversity can be noticed in the consistent findings recorded by the courts warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

25.9.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No