

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

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**CM-5641-C-2014 in/and
RSA-2344-2014 (O&M)
Date of Decision : 19.02.2018**

Piar Kaur (deceased) through LRs. Appellants

Versus

Amarbir Singh and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Ravinder Kaur Manaise, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

CM-5641-C-2014

This is an application for impleading the legal representatives of deceased plaintiff-Piara Singh who is stated to have died on 28.09.2010.

For the reasons recorded, the application is allowed subject to all just exceptions. The LR's have already been arrayed as respondents No. 4 to 9 in the memo of parties and therefore they be treated as LR's of the plaintiff-Piara Singh.

RSA-2344-2014 (O&M)

This appeal has been filed against the judgment of the lower appellate court reversing that of the trial court and dismissing a suit filed by the appellant.

The predecessor-in-interest of the appellant alongwith her brother Piara Singh (plaintiffs) had prayed for declaration that they were owners in possession of land measuring 16 kanals 2 marlas. The case of

predecessor-in-interest of the appellants and the respondents No.4 to 9 was that the land was originally owned by Ganda Singh who had died issueless and from whom the property was inherited by their father Inder Singh (the brother of Ganda Singh). The case of respondents No.1 and 2 was that in fact mutation in favour of Inder Singh was false and illegal since it was sanctioned within 3 days without issuing any notice to the widow and son of Ganda Singh and in fact the property had been inherited by the son of Ganda Singh whose son in turn had sold it to them. The respondent No.3 (grandson of Ganda Singh) did not appear to contest the suit and the trial court decreed the suit on the basis that once the mutation had been sanctioned in favour of father of the plaintiffs they were entitled for the decree. The lower appellate court reversed the judgment of the trial court primarily because the predecessor-in-interest of the appellants (in her cross-examination) had admitted that Ganda Singh had not died issueless but had left behind a widow and a son.

In my opinion, once such admission has come from the mouth of one of the plaintiffs herself, no fault can be found with the judgment of the lower appellate court.

Appeal is dismissed. No costs.

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

February 19, 2018
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(AJAY TEWARI)
JUDGE

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