

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

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RSA No.2140 of 2017 (O & M)
Date of Decision:18.07.2018

Nasib Kaur deceased through LRs

...Appellant

Versus

Ajaib Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate and
Mr. Abhinav Jain, Advocate
for the appellant.

Mr. Sumeet Mahajan, Senior Advocate with
Ms. Ramneeq Kaur, Advocate
for respondent No.1.

Mr. Rajesh Bhatheja, Advocate
for respondents No.5 and 6.

ANIL KSHETARPAL, J.(Oral)

Defendant No.2-appellant is in the regular second appeal against the judgment passed by the learned First Appellate Court.

During the course of arguments, learned counsel for the parties have arrived at a consensus. It has been agreed that from the property of Dewa Singh, Ajaib Singh-respondent No.1 would be entitled to 5/12th share whereas Nasib Kaur, appellant now represented by her LRs would be entitled to 1/12th share and Gurmail Kaur-respondent No.2 would be entitled to 1/12th share and Harnam Kaur (respondent No.4) would be entitled to 5/12th share. This consensus has been arrived at on the basis of the judgment passed by the Hon'ble Supreme Court in the case of “**Gurupad Khandappa**

Magdum vs. Hira Bai Khandappa Magdum and others” (1978) 3 SCC

387, wherein it has been held that widow in case of coparcenary property would be entitled to equal share to the son. However, learned counsel for respondent No.1-Ajaib Singh has submitted that there is a Will executed by Harnam Kaur in favour of Gurmail Kaur. However, such Will is not in question in the present case and parties would be free to get that right adjudicated in a separate entrepreneurship. As far as share of the parties as indicated above is concerned, there is no dispute between the parties.

Hence, this appeal is disposed of accordingly by consensus.

All the miscellaneous applications, if any, are disposed of, in view of the above said judgment.

18.07.2018
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(ANIL KSHETARPAL)
JUDGE

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