

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

**RSA No.61 of 2014 (O&M)
Date of Order: 21.05.2018**

Smt. Bhalia and others

..Appellants

Versus

Phulpati and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kartar Singh Malik-I, Advocate,
for the appellants.

Mr. Akshay Kumar Goel, Advocate,
for respondent no.1.

Mr. Jagjeet Beniwal, Advocate,
for respondent no.2.

ANIL KSHETARPAL, J(Oral)

Defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

Dispute is with regard to the estate of Fatey who died in the year 1974. Phul Pati claiming to be the daughter of pre-deceased son of Fatey has filed the present litigation.

Both the courts after examining the evidence available on the file have found that Shera son of Fatey had died in 1945 leaving behind Rattan Kaur and Phul Pati, his widow and daughter. Rattan Kaur is alleged to have re-married. That is how Phul Pati claims share in the property.

Randhir-DW1 appeared in the evidence and admitted that the name of the father of plaintiff was Shera. DW2 Ramjas also admitted that name of the father of Shera was Fatey.

Still further in the previous litigation filed by Amar Singh, Sita Ram, Silak Ram and Radhey Sham, a written statement was filed wherein it was admitted that the plaintiff is grand daughter of Fatey being daughter of Shera.

This court has heard learned counsel for the parties at length and with their able assistance gone through the judgments and decrees and the record.

Although, learned counsel for the appellants has submitted that the admission is by son of Piare Lal and not by son of Ram Singh, however, on being pointed out, counsel started arguing that there is no document available on the file to prove that Phul Pati is daughter of Shera. It may be noticed that Fatey, when he died, had left behind two sons, namely, Piare Lal and Ram Singh and a pre-deceased son Shera. Status of Shera being son of Fatey has been admitted by both sets of defendants namely son of Piare Lal and son of Ram Singh. Still further in the previous litigation, there is categorical admission to the effect that Phul Pati is daughter of Shera from Rattan Kaur.

In view of the aforesaid, there is no ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

May 21, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No