

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108-1

RSA No.3501 of 2017 (O&M)

Date of decision: 01.12.2018

Hardeep Singh and others

..... Appellants

Versus

Bagga Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None for the appellants.

Mr. C.S. Jattana, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(ORAL)

Although, learned counsel for the appellants has not chosen to appear either on 04.10.2018 or today, however, this Court has gone through the judgments passed by the Courts below. Learned counsel for the appellants had got this appeal listed along with RSA No.2515 of 2017.

Defendants No.1 to 5-appellants are in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Dispute in the present case is with regard to estate of Bant Singh who had died unmarried. It has been found by the Courts below that Rattan Singh had married twice. From one wife namely, Nand Kaur @ Chand Kaur, two sons Bagga Singh and Bant Singh were born whereas from another wife i.e. Nachhattar Kaur, Hardeep Singh, Kuldeep Singh, Shinder Kaur and Ajit Kaur @ Jit Kaur were born. Nachhattar Kaur and her children are defendants No.1 to 5. The plaintiff-respondent Bagga

Singh claims that he is entitled to the entire property of Bant Singh being related to him by full blood as compared to remaining defendants No.1 to 5 who are related to him by half blood. Nachhattar Kaur, defendant No.4 is also a step mother.

In the grounds of appeal, it has been pleaded that at least for the purpose of operation of Section 8 of the Hindu Succession Act, Section 18 would not have come into play. Section 8 of the Hindu Succession Act not only deals with the relatives specified in class-I of the schedule but also deals with class-II as well as agnates and cognates. Section 18 does not make a distinction between class-I and class-II of the schedule. Still further, a step mother cannot be equated with the natural mother in the matter of succession.

In view of the aforesaid, no fault can be found in the judgments passed by the Courts below.

Appeal is dismissed.

01.12.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No