

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

RSA No.357 of 2018 (O&M)

Date of Decision: April 03, 2018

Manjinder Kaur and others

...Appellants

Versus

Karamveer Kaur and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Anupam Sharma, Advocate for
the appellants.

HARINDER SINGH SIDHU, J.

Plaintiff- respondent No.1 had filed a suit for declaration that she is the owner to the extent of 1/3rd share in the estate left by her late father Santokh Singh comprising bank accounts, a house measuring 500 square yards etc. Defendants- Nos.1 to 3 (the appellants herein) filed a counter claim to the extent that they are owners in joint possession to the extent of 9/32 share each of the properties and that the plaintiff is owner in joint possession to the extent of 5/32 share.

The Ld. Trial Court vide judgment and decree dated 25.01.2013 partly decreed the suit of the plaintiff to the extent that she is owner to the extent of 5/32 share in the property and the defendants No.1 to 3 are owners to the extent of 9/32 share each in the property. Thus, the counter claim of the defendants No.1 to 3 was decreed.

Two appeals being Civil Appeal No.112 of 27.02.2013 and Civil

Appeal No.120 of 27.02.2013 were preferred by the plaintiff- respondent

No.1, which were disposed of by the Ld. Lower Appellate Court vide common judgment and order dated 24.07.2017.

The appeal of the plaintiff in the suit was partly allowed. The plaintiff was held entitled to a declaration that she was owner to the extent of 1/4th share in the suit property and defendants No.1 to 3 were held to be owners to the extent of 1/4th share each. The appeal against the counter-claim was also partly allowed. The findings of the learned lower court regarding the counter-claim filed by defendants No.1 to 3 were modified to the effect that defendants No.1 to 3 were declared to be the owner in joint possession to the extent of 1/4th share each in the entire suit property on the basis of Will dated 18.05.2005 Ex.D2 of late Santokh Singh, whereas, the plaintiff was declared to be owner in joint possession to the extent of 1/4th share in the entire suit property.

Defendants No.1 to 3 (Appellants No.1 to 3 herein) filed RSA No.5590 of 2017 impugning the judgment and decree dated 24.07.2017, whereby, the Civil appeal No.112 of 27.02.2013 of the plaintiff was partly allowed. This RSA was dismissed vide judgment and order dated 12.02.2018. The findings of the lower appellate Court were affirmed.

The present RSA has been filed impugning the judgment and decree dated 24.07.2017, whereby, the Civil appeal No.120 of 27.02.2013 of the plaintiff against the decision of the Trial Court in the counter claim of the defendants was partly allowed.

For the same reasons as in the judgment and order dated 12.02.2018 in RSA No.5990 of 2017, the present regular second appeal is also dismissed.

Since the appeal has been dismissed on merits, therefore, there is no necessity of deciding the application for condonation of delay in re-filing the appeal.

April 03, 2018

(**HARINDER SINGH SIDHU**)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No