

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

RSA No. 414 of 2017(O&M)

Date of decision: 12.10.2018

Smt. Rekha Rani

.....Appellant

VERSUS

Krishan Chand @ Krishan Lal (since deceased) through LR Charanjeet

Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Jatin Hans, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for declaration filed by the appellant/plaintiff that she is entitled to 141/151 share i.e. 7 kanal 1 marla of land detailed in para 1 (un-numbered) of judgment of the trial Court on the basis of family settlement entered into between the appellant and her father in law, was dismissed by the trial Court vide judgment and decree dated 10.10.2014 and appeal preferred by the appellant did not find favour with the District Judge, Bhiwani.

Perusal of the records would reveal that the appellant/plaintiff filed the suit against defendant Krishan Chand @ Krishan Lal through Attorney namely Charanjeet Singh son of Krishan Chand @ Krishan Lal who is none else but husband of the plaintiff/appellant. Krishan Chand @ Krishan Lal died during pendency of suit and Charanjeet Singh was

impleaded as legal heir of Sh. Krishan Chand @ Krishan Lal to the exclusion of other legal representatives of the deceased.

Counsel for the appellant would submit the judgments and decrees passed by the Courts may be set aside and the matter be remitted to the trial Court for decision of the suit afresh after bringing on record all the legal heirs of Krishan Chand @ Krishan Lal who are entitle to inherit his estate on the basis of natural succession.

In view of the above, the appeal stands disposed of. Judgments and decrees passed by the Courts are set aside and the matter is remitted to the trial Court for adjudication afresh. The appellant/plaintiff may file an application for impleadment of all the Class I heirs of deceased Krishan Chand @ Krishan Lal on the array of defendants and after bringing them on record, the trial Court will proceed to decide the suit in accordance with law.

OCTOBER 12, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no