

**RSA No.5953 of 2017 (O&M)**

**-1-**

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

**RSA No.5953 of 2017 (O&M)  
Date of decision : 02.11.2018**

**Lakhwinder Kaur**

**.....Appellant**

**Versus**

**Sarwan Singh and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Sandeep Arora, Advocate  
for the petitioner..

**\*\*\*\***

**AMIT RAWAL, J(ORAL)**

**C.M-15623-C-2017**

For the reasons mentioned in the application, the same is allowed and the delay of 20 days in re-filing the appeal is condoned.

**C.M-15624-C-2017**

For the reasons mentioned in the application, the same is allowed and the delay of 07 days in filing the appeal is condoned.

**Main Case**

Appellant-defendant assailed the concurrent finding of fact whereby in a suit preferred by respondent-plaintiffs, has been accorded 1/8<sup>th</sup> share. The sole grouse of the appellant-defendant is that Parkash Kaur was married to Ajit Singh and out of the wedlock, she and her sister Harjinder

Kaur were born. Ajit Singh unfortunately died in the war of Indo-Pak 1965. Parkash Kaur performed a Kareva marriage with plaintiff No.1 Sarwan Singh who is brother of Ajit Singh, and out of the said wedlock, two sons and three daughters were born, that is, the plaintiffs.

On account of the death of husband, Parkash Kaur was allotted a land vide conveyance deed dated 11.03.1987 executed by State Government containing a recital that Prakash kaur would be considered as legal heir of Ajit Singh, thus, children born from the second marriage would not fall in that expression.

I am afraid that aforementioned argument is not sustainable for the conveyance deed is post the marriage with Sarwan Singh by that time plaintiffs i.e two sons and three daughters were born out of the second marriage. They would have also a status of legal representative on demise of Parkash Kaur.

Finding of fact do not call for any interference.

Accordingly, the present appeal is dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**02.11.2018**  
tripti/dkp

|                           |   |               |
|---------------------------|---|---------------|
| Whether speaking/reasoned | : | <b>Yes/No</b> |
| Whether reportable        | : | <b>Yes/No</b> |