

RSA-6426-2017 (O&M)

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

**RSA-6426-2017 (O&M)
Date of decision : 04.12.2018**

Sukhwant Kaur @ Satwant Kaur

... Appellant

Versus

Lakhwinder Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vijay Rana, Advocate for
Mr. Abhishek Arora, Advocate
for the appellant.

AMIT RAWAL, J.

The appellant-plaintiff has not been successful in claiming the declaration in respect of suit land against the defendant.

It was alleged that on demise of Subag Singh, her son, and husband of the defendant, mutation of inheritance was entered as per the natural succession i.e. mother and widow. However, the widow had performed second marriage and in such circumstances, could not claim the ownership.

I am afraid the aforementioned argument is not sustainable as the status of the defendant as wife of Subag Singh cannot be taken away by a decree of court. The marriage was performed much later on. Settlement in the life by choosing the other partner cannot be a ground of ousting the ownership regarding the estate of her first husband.

In this view of the matter, I do not find any illegality and

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perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the present regular second appeal is dismissed.

04.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**