

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

RSA No.955 of 2017(O&M)
DATE OF DECISION:13.11.2018

Parkash Kaur

...Appellant

Vs.

Paramjit Kaur

...Respondent

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Gursimran Singh, Advocate for
Mr. Rahul Rampal, Advocate
for the appellant.

AMIT RAWAL, J.(ORAL)

CM No.2153-C of 2017

For the reasons mentioned in the application, the same is allowed
and delay of 160 days in refiling the appeal is condoned.

RSA No.955 of 2017

Appellant-defendant has not been successful in defending the suit
for declaration filed by none-less daughter claiming half share in the House
No. 2407/A, B-17, Street No.8, Basti Abdulapur, Ludhiana decreed by the
trial Court and affirmed by lower appellate Court.

Learned counsel for the appellant/defendant submits that a son
was born out of the wedlock between Parkash Kaur and Gurbachan Singh
who was not impleaded as party to the suit, as his interest was liable to be
keep intact, therefore, the suit is liable to be dismissed.

I am afraid aforementioned argument is not sustainable as no
proof has been shown or any steps have been taken to implead him as a

party to the suit. Since the relationship between the parties and Gurbachan Singh having died intestate has not been denied, the conferring of half share in the property was the appropriate remedy which has been endorsed by the Courts below.

I do not find illegality and perversity in the concurrent findings rendered by both the Courts below. No ground is made out for interference. The appeal is dismissed.

13.11.2018
rimpal

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No