

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CWP No.12661 of 2014

Date of Decision: July 25, 2019

Smt. Kanwaljit Kaur Bedi

Petitioner(s)

versus

Chandigarh Administration and others

Respondent(s)

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Abhay Gupta, Advocate for
Mr. Amar Vivek, Advocate
for the petitioner.

Mr. Kanwaljit Singh, Sr. Advocate with
Ms. Parul, Advocate
for respondents No.3 and 4.

ARUN MONGA, J (Oral)

The grievance of the petitioner is that though her father died intestate, yet she is not being given the benefit of Law of Succession by her two brothers qua the house owned by her father, which was his self-acquired property having been acquired during his life time.

2. In the premise, she also approached the Estate Office, U.T. Chandigarh and vide letter dated 13.11.2009 (Annexure P-4/colly), after hearing the parties, the Assistant Estate Officer declined to sustain her claim on the ground that unless the petitioner takes appropriate steps to get her rights determined from the competent Civil Court, the property in question cannot be mutated in her favour to the extent of her claim of being 30% owner in the same. Thereafter, she filed an appeal against

the said mutation order and vide appellate order dated 07.01.2013, her appeal was allowed and Assistant Estate Officer was directed to keep the mutation in abeyance until competent Court of law determines the title rights qua the property in question. Thereafter, she instituted Civil suit before the competent Civil Court, which is not making any progress due to dilatory tactics of her brothers and is pending for plaintiff evidence. In the interregnum, she filed this petition to seek relief.

3. Learned Senior counsel for respondents No.3 and 4 submits that ever since the filing of this petition, not only has the petitioner-plaintiff adduced her entire evidence but even the defence has also closed its evidence and the suit is at final stage and is likely to be decided after hearing arguments and appreciation of the evidence therein.

4. Be that as it may given the contents of petition and nature of the factual dispute in the present writ petition, I am not inclined to interfere in the extraordinary jurisdiction of the Court and accordingly writ petition is dismissed.

July 25, 2019
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[ARUN MONGA]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No