

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CR No.6275 of 2019 (O&M)

Date of decision : 29.11.2019

Sucha Singh (since deceased) through LR

... Petitioner

Versus

Baljinder Singh (since deceased) through LRs

.. Respondents

CORAM : HON'BLE MS.JUSTICE RITU BAHRI

Present : Mr.Deepak Verma, Advocate
for the appellant.

Ritu Bahri, J. (Oral)

CM No.23912-CII of 2019

The petitioner has filed an affidavit dated 05.10.2019 stating therein that she is the only legal heir of the deceased, Sucha Singh on the basis of registered 'Will' dated 05.12.2018. There is no other legal heir of the deceased except her.

Application is allowed and the affidavit is taken on record.

Main petition.

Petitioner has filed this revision petition for setting aside impugned order dated 28.08.2019 (Annexure P-8) passed by the learned Executing Court (Civil Judge, Sr. Divn.), Garhshankar to the extent of directing the petitioner to produce succession certificate in order to get the amount accrued to petitioner/decreed holder from judgment and decree dated 16.09.2016 (Annexure P-1) under execution though she has already been impleaded as sole representative of her deceased husband-Suhca Singh, decreed holder.

Learned counsel for the petitioner further states that before the

'Will' of their father executed in favour of their mother and also given their consent to release the decretal amount in favour of the decree holder.

In the impugned order dated 28.08.2019, it has also been observed that apart from the registered Will dated 05.12.2018, affidavits of both the children of the deceased Such Singh have also been tendered admitting the Will of their father and also given their consent to release the decretal amount in favour of the decree holder.

Keeping in view the above affidavit, order dated 28.8.2019 is being modified to the extent that the decretal amount deposited by the auction purchaser be released to the petitioner- decree holder on the ground that she has a registered Will dated 05.12.2018 executed in her favour by her husband, Sucha Singh (deceased) and affidavit given by both children.

Keeping in view the decree (Annexure P-1), after making fresh calculation, Rs.7, 40,000/- has to be awarded along with interest. This order is being modified and the trial court is directed to pass a fresh order after calculation in accordance with law.

[RITU BAHRI]
JUDGE

29.11.2019
sd

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No