

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

RSA No.1692 of 2014 (O&M)

Date of decision : 02.04.2019

Smt. Shanti and others

...Appellants

Versus

Ramrati and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. Anish Setia, Advocate for the appellants.

Mr. Om Parkash Sharma, Advocate for respondent Nos.1 and 2.

Mr. Rajiv Sharma, Advocate for legal heir of Smt. Attri.

ANIL KSHETARPAL, J.

Plaintiff-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

Question which requires consideration is “whether daughters of a tenant on agricultural land can claim to have succeeded to the tenancy on the death of their father and consequently entitled to share in the compensation in the land acquired subsequently?”

Late Sh. Shiv Singh was tenant at will on agricultural land. He died on 22.04.1986. Plaintiffs claimed that they are entitled to the share in the compensation as the land was subsequently acquired in the year 1996 on the ground that tenancy is an estate and, therefore, on the death of Shiv Singh, everyone succeeded to the estate under Section 8 of the Hindu

Succession Act, 1956.

On the other hand, both the Courts have held that tenancy is heritable in accordance with Section 8 of the Punjab Security of Land Tenures Act, 1953 as applicable to Haryana and, therefore, the daughters are not entitled to any share in the compensation. Section 8 of the Punjab Security of Land Tenures Act, 1953 is extracted as under:-

“8. Continuity of tenancies - The continuity of a tenancy shall not be affected by-

(a) the death of the landlord, or

(b) the death of the tenant except when the tenant leaves no male lineal descendants or mother or widow, and

(c) any change therein under the same land-owner and for the purposes of sections 17 and 18 of this Act, such tenancy shall be the last area so held.”

It is apparent from the reading of the aforesaid provision that continuity of tenancies is not governed by the provisions of the Hindu Succession Act, 1956 but is governed by the provision extracted above. The continuity of tenancies with regard to agricultural land is to male lineal descendants or mother or widow. The daughters have not been included in the aforesaid provision. Although, these days it may appear to be little bit out of place, however, statutory provisions are to be enforced by the Court. The word 'lineal' means in a direct line of descent or ancestry. Thus, the daughters having been excluded from the statutory provision with respect to continuity of tenancies of the agricultural land. Hence, the daughters are not entitled to compensation as on the death of Shiv Singh in the year 1986, tenancy continued in accordance with Section 8 of Punjab Security of Land Tenures Act, 1953 and the plaintiffs did not inherit the tenancy of the

agricultural land. The answer to the question is that succession to the tenancy of agricultural land is limited confined to the heirs mentioned in Section 8 of the Punjab Security of Land Tenures Act, 1953 and it does not stand transferred in favour of heirs in terms of the provisions of the Hindu Succession Act, 1956.

Accordingly, there is no ground to interfere with the concurrent findings of fact arrived at by the Courts below .

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of in view of the abovesaid judgment.

02.04.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No