

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.201 of 2017 (O&M)

Date of Decision: January 09, 2019

Radhika Rani

...Appellant

Versus

Parkash Kaur & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Ajay Kumar, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

CM No.19454-C of 2018

For the reasons mentioned in the application, which is supported by an affidavit, the order dated 21.11.2018 is recalled and the appeal is restored to its original number.

CM stands disposed of.

CM No.414-C of 2017

For the reasons mentioned in the application, which is supported by an affidavit, delay of 10 days in filing the appeal is condoned.

CM stands disposed of.

RSA No.201 of 2017

The present Regular Second Appeal is directed against the judgments and decrees of the courts below, whereby the appellant-plaintiff

was not successful in challenging the decree dated 19.02.1999 suffered by Labh Chand, her father, in favour of Parkash Kaur, his second wife, mother of defendant Nos. 3 to 5.

The short point involved in the present case is whether plaintiff could institute the suit by laying challenge to the decree being coparcenary as per un-amended provisions of Section 6 of the Hindu Succession Act, the answer is 'No'. The Legislature has given a right to the married daughter only after causing amendment in Section 6 on 09.09.2005. In such circumstances, the suit was not maintainable and had rightly been dismissed.

For the reasons mentioned above, I do not find any illegality or perversity in the concurrent findings of the courts below. No ground for interference is made out, much less involvement of any substantial question of law.

Resultantly, the appeal is dismissed.

January 09, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No