

**RSA-2396-2017 (O&M)**

**126**

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

**RSA-2396-2017 (O&M)**

**Date of decision : 05.03.2019**

Mandeep Kaur

... Appellant

Versus

Akwant Kaur and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. R.K. Girdhar, Advocate  
for the appellant.

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**AMIT RAWAL, J. (ORAL)**

The appellant-defendant is, in the present regular second appeal, against the concurrent findings of fact, whereby the suit for declaration filed by respondent No.1-plaintiff, daughter of Thana Singh, has been decreed by the Courts below, on the premise that Thana Singh died intestate and the mutation effected on the basis of the unregistered Will dated 12.09.1992 in favour of the defendants, was set aside.

It was asserted that Thana Singh died intestate and the defendants being wife and other daughters, had a right to inherit the property as per the natural succession. The mutation bearing No.7736 and order of the Assistant Collector dated 29.07.1993 was alleged to be null and void as Thana Singh never executed any will.

The defendants supported the mutation and also propounded the Will.

Both the parties led evidence in support of their respective

**RSA-2396-2017 (O&M)**

cases.

The defendants were not successful in defending the suit as the alleged Will, in the revenue record, did not see the light of the day.

In such circumstances, mutation proceedings are only for fiscal purposes, reflected in the revenue record. There is no dispute to the jurisdiction of the Civil Court. In the absence of any proof of testamentary document and there was no denial that Akwant Kaur was daughter of Thana Singh, declaration granted by the Courts below acknowledging devolution of interest qua her share cannot be said to be suffering from illegality and perversity. No ground is made out for interference.

Accordingly, the present regular second appeal is dismissed.

**05.03.2019**  
Yogesh Sharma

**( AMIT RAWAL )**  
**JUDGE**

Whether speaking/reasoned    **Yes/ No**

Whether Reportable                **Yes/ No**