

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

**RSA No.4458 of 2017 (O&M)
Date of Decision.05.02.2019**

Piara Singh

...Appellant

Vs

Bhajan Kaur and another

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. D.R. Punia, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in claiming ownership of land as described in the head note of the plaint on the premise that Natha Singh son of Lal Singh had died on 16.05.1986 and after his death, land was inherited by plaintiff and proforma defendant No.2 in equal shares. In this regard, mutation was sanctioned by the Assistant Collector 2nd Grade, Bholath in favour of plaintiff, proforma defendant No.2 and defendant No.1. Defendant No.1, Bhajan Kaur widow of Inder Singh should not be legal heir as per Clause 2(2) of the Schedule and Section 8 of the Hindu Succession Act.

Defendants opposed the suit and stated that suit was not maintainable. Natha Singh regarding whose property suit had been filed, was elder to Inder Singh. Both were shot by one terrorist and died on the same day. In such circumstances, defendant No.1 Bhajan Kaur was entitled to succeed his share.

I have heard learned counsel for the appellant, appraised

the paper book and of the view that there is no force and merit. Plaintiff miserably failed to prove the factum of death of Natha Singh prior to Inder Singh, thus, remained unsuccessful to bring the case within the parameters of Clause 2(2) of the Schedule and Section 8 of the Hindu Succession Act.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding of fact rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 05, 2019
Pankaj*

Whether Reasoned/Speaking	Yes
Whether Reportable	No