

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

FAO No.2819 of 2020
Date of decision: 31.08.2020

Kailash Rani

..... Appellant

Versus

General Public and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms. Sharmila Sharma, Advocate
for the appellant.

RITU BAHRI, J. (ORAL)

Challenge in this appeal is to the order dated 17.01.2020 whereby the Court of Additional Civil Judge while exercising the powers of District Judge has given a succession certificate in favour of Sonia (widow of late Sh. Sachin Grover) and Kailash Rani (mother of deceased son) in equal shares under the provisions of Section 372 of the Indian Succession Act with respect to the LIC policies left by late Sh. Sachin Grover.

The appellant, in the present case, is mother of the deceased- Sachin Grover and her ground for challenging this order is that respondent No.2-Sonia after the death of her husband-Sachin Grover (son of appellant-Kailash Rani) has re-married and hence, she is not entitled to claim the benefit of LIC policies in respect of the deceased.

This argument is liable to be rejected on the ground that as per the Indian Succession Act, 1957, the widow and mother are class-I heirs of the deceased. Moreover, as per Section 14 of the Act, a female Hindu

becomes absolute owner of the property, left behind by her husband, as soon as he expires. Therefore, as per Section 372 of Indian Succession Act, even though Sonia has performed the second marriage, she has a right in the property of her deceased husband being Class-I legal heir.

Hence, no ground is made out to interfere in the impugned order.

Accordingly, the appeal is dismissed.

31.08.2020
D.Bansal

(RITU BAHRI)
JUDGE

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