

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

RSA No.4614 of 2009 (O&M)

Date of Order:20.02.2020

Smt. Imrati Devi

..Appellant

Versus

Ram Kali and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.R.Takkar, Advocate,
for the appellant.

Ms. Ateevraj Sandhu, Advocate, for
Mr. Gaurav Mankotia, Advocate,
for respondents no.2 to 9.

ANIL KSHETARPAL, J(Oral)

The plaintiff-appellant has filed the present regular second appeal against the findings of fact arrived at by the learned first appellate court dismissing the suit filed by her for declaration challenging correctness of civil court judgment and decree passed on 03.10.1989 in Civil Suit No.463 of 1989 and claiming 1/6th share in land measuring 151 Bighas and 4 Biswas. For convenience, pedigree table of the family is extracted as under:-

Jai Ram	

Budh Singh	Lakhpat Singh (died in 1995-96)

Jabbar Singh	Rajo Devi(wife)
Shamsher Singh	Dhyan Singh
Ram Karan	(died in 1989)
Gian Singh	Imrati Devi wd/o
Parmal Singh	Dhyan Singh
(Petitioners in	
the Civil Suit	
No.468 of 1989)	

Plaintiff-appellant is Imrati Devi widow of Dhyan Singh. Dhyan Singh died during the life time of his father Lakhpat Singh. Lakhpat Singh suffered a consent decree acknowledging family settlement in favour of his nephews Jabbar Singh and Shamsheer Singh.

Learned first appellate court has found that on the death of Dhyan Singh, Lakhpat Singh was the exclusive owner of the property and the plaintiff had no right, title or interest in the property.

Plaintiff has only pleaded that the property is ancestral. Even if the plea of the plaintiff is accepted that the property is ancestral, still on the death of Dhyan Singh, there is no restriction on the rights of Lakhpat Singh. Still further Lakhpat Singh also executed a registered Will in favour of his nephews namely Jabbar Singh and Shamsheer Singh.

Learned counsel for the appellant submitted that since the property was ancestral, therefore, in view of Section 14 of the Hindu Succession Act, 1956, the plaintiff became the absolute owner.

It may be noted here that plaintiff-Smt. Imrati Devi was never conferred with ownership of the property. Hence, Section 14 of the Hindu Succession Act, 1956 would have no application.

In view thereof, there is no ground to interfere.

Dismissed.

February 20, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No