

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

-.-

RSA 846 of 2020 (O&M)

Date of decision: 05.03.2020

Smt. Santra

.....Appellant

Versus

Smt. Saroj alias Saroj Devi alias Saroj Bala

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. N K Malhotra, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

Appellant - Santra has lost the litigation before both the Courts but still she has filed the present appeal to assail concurrent findings recorded by the Court.

Smt. Saroj alias Saroj Devi alias Saroj Bala is admittedly step sister of Santra. There is no dispute that Girdhari Lal was the erstwhile owner of suit house and he had a wife namely Bimla and two daughters i.e. Saroj and Santra and they got 1/3rd share each in the suit property. Bimla died and Saroj claimed her share on the basis of Will registered vide No. 869 dated 24.09.2013. The Courts held Saroj to be entitle to 2/3rd share in the suit property whereas remaining 1/3rd share is owned by Santra.

The sole submission made by counsel is that the respondent/plaintiff relinquished her share in favour of the appellant, therefore, she cannot claim to be co-owner in the suit property much less to

the extent of 2/3rd share.

Counsel for the appellant, in response to a query, would fairly inform that there is no document with regard to relinquishment of share by the respondent/plaintiff in favour of the appellant/defendant much less there being a registered document. In this view of the matter, contention of the appellant with regard to relinquishment of share by Saroj is patently misconceived and has rightly been rejected.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed *in limine*. As the appeal has been decided on merits, application for condonation of delay in re-filing the appeal is of academic relevance.

(Rekha Mittal)
Judge

05.03.2020
Mohan Bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No