

In the High Court of Punjab and Haryana at Chandigarh

RSA- 3268 of 2017 (O&M)

Date of Decision: 4.2.2020

Kulwinder Kaur and another

---Appellants

versus

Sukhpal Kaur and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. D.S.Malwai, Advocate
for the appellants**

Rekha Mittal, J.

Challenge in the present appeal has been directed against concurrent findings recorded by the courts whereby suit for declaration, recovery and permanent injunction filed by Sukhpal Kaur, mother of late Harpreet Inder Singh claiming 1/3rd share in movable and immovable assets of Harpreet Inder Singh, has been decreed to the following effect:-

“.....she is legal and natural representative of her deceased the son to the extent of one third share in all his liquid, movable and immovable property and is also entitled to recover an amount of Rs. 1,42,994/-. She is also entitled to the relief of permanent injunction for restraining defendant No. 1 and 2 from withdrawing any amount from the joint bank account in question.”

The appellants are the widow and minor daughter of deceased Harpreet Inder Singh. In para 8 of the grounds of appeal, it has been mentioned that they are confining their claim only regarding bank account

which was joint of appellant No. 1 and her husband and not in respect of any other property.

Counsel for the appellants would concede that the present appeal is limited to the aforesaid extent. It is argued that since the account in which there was approximately Rs. 4,00,000/- as outstanding balance was in the joint name of appellant No. 1 and her late husband, the respondent-plaintiff cannot assert her right to have 1/3rd share qua money lying in the said account.

Counsel, in response to a query, would fairly inform that there is no evidence adduced by the appellants that any money was deposited in the said account from personal source of appellant No. 1 meaning thereby that money lying deposited in the said account also belongs to deceased son of the respondent and husband of appellant No. 1. The joint account means that either of the joint account holder can operate that account but it does not mean that money lying therein belongs to a joint account holder who has otherwise not contributed in respect of deposits made therein. That being so, I find myself unable to accept contention of the appellants that respondent-plaintiff is not entitle to 1/3rd share in money lying in joint account of appellant No. 1 and her husband.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

4.2.2020

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