

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

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**CR No. 4317 of 2022
Date of decision : 10.10.2022**

Megha**.....Petitioner****Vs.****General Public and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Rakesh Nagpal, Advocate, for the petitioner

TRIBHUVAN DAHIYA, J. (Oral)

1. This revision petition has been filed under Article 227 of the Constitution of India for setting aside the judgment dated 25.4.2018 (Annexure P-2) passed by the trial Court, and judgment and decree in appeal dated 17.8.2021 (Annexure P-4) passed by the lower Appellate Court.

2. Vide the impugned judgments, a petition filed by the petitioner under Section 372 of the Indian Succession Act, 1925 (in short 'the Act'), for grant of succession certificate was disposed of. It was pleaded that petitioner's mother, deceased Mrs. Rajesh Kumari, got married to respondent no.2 on 10.2.1993. Out of the wedlock, petitioner and respondent no.3 were born. After their birth, the petitioner's parents started living separately. The deceased/petitioner's mother was working as Senior Auditor in the office of respondent no.4 and was drawing a handsome salary. Respondent no.2 had no participation or contribution in the life of petitioner or her mother.

3. On pleadings of the parties, the following issues were framed:

1. Whether the petitioner and respondent no.3 are the only legal

heirs of deceased Rajesh Kumari? OPP

2. Whether the succession certificate can be issued with regard to the death-cum-retirement benefits of deceased to the petitioner and respondent no.3 in spite of nomination in favour of respondent no.2 ? OPP

3. Relief.

On considering the evidence produced on record, it was held by the Courts below that the petitioner and respondents no.2 and 3 were entitled in equal shares to the succession certificate with respect to the estate of deceased Rajesh Kumari. Issues No.1 and 2 were accordingly decided partly in favour of the petitioner and partly in favour of respondents no.2 and 3.

4. Learned counsel for the petitioner has submitted that the petitioner was solely dependent upon her deceased mother, who unfortunately died in an accident on 3.5.2014, leaving the petitioner without any support. It has further been contended that the deceased and respondent no.2 were living separately, and the latter had never contributed or supported the petitioner in any manner. Therefore, the petitioner is solely entitled to deceased's estate.

5. The line of succession of a female Hindu dying intestate is decided as per Section 15 of the Hindu Succession Act, 1956. The relevant portion thereof is reads as under:

15. General rules of succession in the case of female Hindus -

(1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16, -

(a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;

(b) to (e) xxx xxx xxx

The provision makes it clear that property of a female Hindu dying intestate is to first devolve upon her sons and daughters and the husband. Both the

Courts below have decided the issue of succession of the deceased's estate.

who undisputedly was a female Hindu dying intestate, as per provisions of Sections 15 and 16 of the Hindu Succession Act, 1956. The petitioner as well as respondent no.3 being daughter and sons of the deceased respectively, and respondent no.2 being husband of the deceased, have been held entitled to the estate left by deceased Rajesh Kumari in equal shares. In the light of the provisions of Sections 15 and 16 of the Hindu Succession Act, 1956, no exception can be taken to the findings recorded by the Courts below. The argument raised by learned counsel for the petitioner that the deceased was living separately from her husband, who never looked after the petitioner or the deceased, cannot be a ground to disturb the line of succession as mandated by the provisions of the Hindu Succession Act.

6. In view of the aforesaid, there is no ground to interfere with the impugned judgments of the Courts below.

7. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

10.10.2022

Ashwani

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No