

2023:PHHC:141703

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

RSA-4527-2019 (O&M)
Date of decision: 06.11.2023

Paramjit Kaur

....Appellant

Versus

Smt. Surjit Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Umesh Kumar Kanwar, Advocate for
Mr. Raj Kumar Kakkar, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. In this Regular Second Appeal, the plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below, while dismissing her suit for the grant of decree of declaration that she is a co-sharer in the suit land. The dispute is with regard to the inheritance of the property left behind by late Sh.Joginder Singh, who died in the year 2002. He left behind a widow, two sons and a daughter (the plaintiff). She filed a suit on 17.12.2015, claiming that the property in the hands of her father was a coparcenary property. The defendants, while contesting the suit, claimed that the plaintiff was married in a respectable family and late Sh.Joginder Singh executed a registered Will on 21.01.2000, bequeathing his entire property in favour of Manjit Singh and Inderjit Singh. It was also pleaded that Manjit Singh died unmarried and issueless on 26.01.2012 resulting in Smt. Surjit Kaur, his mother, inheriting his share of property. The suit was filed only

because defendant no.1 i.e Smt.Surjit Kaur transferred the property in favour of defendant no.2 and 3.

2. Both the courts, on appreciation of evidence, have concurrently found that the execution of the Will has been proved by examining DW1- Nirvair Singh, one of the attesting witnesses of the Will as well as DW4 Pawandeep Singh, the scribe's son, who has proved the entry of the Will in his notebook. It was also held that the plaintiff would have become a coparcener only after the amendment of 2005 in the Hindu Succession Act, 1956 came into force. However, in this case, Sh.Joginder Singh died in the year 2002 and on the basis the Will the remaining heirs inherited the property. It was also held that the plaintiff failed to prove that the property was a coparcenary property.

3. Learned counsel representing the appellant has failed to draw the attention of the Court to any substantive error in reading of the evidence. He has also failed to draw the attention of the Court to non-reading or perversity in the judgment passed by the courts below. Hence, no ground to interfere is made out.

4. Dismissed.

5. All the pending miscellaneous applications, if any, are also disposed of.

06.11.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE