

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

RSA-4096-2019(O&M)

Date of Decision: July 03, 2023

JUGRAJ SINGH SINCE DECEASED THROUGH HIS LRS

..... Appellants/Plaintiffs

Versus

AMRIK SINGH ETC.

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tarun Singla, Advocate for
the Appellants/Plaintiffs.

HARKESH MANUJA, J. (ORAL)

1. By way of present regular second appeal, challenge has been laid by the plaintiffs-appellants to the judgment and decree dated 03.08.2018 in CA No.258-2017 passed by the Court of Ld. Additional District Judge, Bathinda.

2. In the present case, claiming himself to be one of the sons of deceased Gamdur Singh from his first wife namely Kartar Kaur, the appellant-plaintiff filed a suit for declaration claiming succession out of the estate of deceased Gamdur Singh. The trial Court vide judgment and decree dated 19.05.2017 though declared the plaintiff appellant, owner to the extent of 1/7th share, however, dismissed the suit being barred by limitation.

3. Aggrieved thereof, the legal representatives of appellant-plaintiff filed First Appeal, however, the same was dismissed vide judgment and decree dated 03.08.2018 passed by the Court of Ld.

Additional District Judge, Bathinda, hence the present appeal.

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4. I have heard learned counsel for the appellant/plaintiff in detail and gone through the findings recorded by Courts below. Having perused the same, I am unable to find any substance in the submissions made on behalf of appellant/plaintiff.
5. Relying upon Schedule-I to the Hindu Succession Act, 1956, the Courts below have rightly come to the conclusion that the plaintiff being son from the first wife of deceased Gamdur Singh(pre-deceased- Kartar Kaur) was held entitled for 1/7th share out of his estate. Learned counsel for the appellants has not been able to refer to any statutory provision or judgment to the contrary. Besides it, the fact that the original plaintiff obtained financial assistance, relying upon the revenue record/mutation wherein he was shown having succeeded to 1/7th share out of the estate of Gamdur Singh, much prior to the filing of the suit itself shows that the plaintiff-appellant himself was deeply conscious of the legal position qua his rights in the estate left by deceased Gamdur Singh and the suit was filed merely with a motive to settle scores with the other successors of deceased Gamdur Singh.
6. In view of the aforesaid, no question of law much less substantial question of law is involved in the present appeal which is required to be adjudicated upon by this Court.
7. Thus, finding no merits in the present regular second appeal, the same is hereby dismissed.

03.07.2023
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No