

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CWP-18460-2023 (O&M).
Date of Decision: 20.10.2023.

GURMEET SINGH

...Petitioner

Versus

THE STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Rajat Sang, Advocate, for the petitioner assisted by
petitioner.
(Through Video Conference).

VINOD S. BHARDWAJ. J (ORAL)

Prayer made in the present writ petition is for seeking
cancellation of the death certificate (Annexure P-3) issued with respect
to Nihal Kaur.

Learned counsel appearing on behalf of the petitioner
through video conference contends that the deceased Smt. Nihal Kaur
was mother of grandmother of the petitioners (great grandmother) and
had expired on 03.03.1972 leaving behind three daughters including
grandmother of the petitioner and one son. It is submitted that other than

grandmother of the petitioner none of the other legal heirs had any child. Deceased Nihal Kaur had one property situated in Lajpat Nagar, New Delhi which was bought by her by arranging funds from her daughter Satwant Kaur. After the demise of Smt. Nihal Kaur, the property was being managed by Satwant Kaur. However, there was a dispute with respect to the above said property between Satwant Kaur and Sant Singh (Children of deceased Nihal Kaur). Sant Singh expired in the year 1985 and property continued to be in possession of Satwant Kaur. It is contended that Satwant Kaur had executed a Will dated 01.09.1997 with respect to the above property in favour of the petitioner. He claims to be residing in the said property and had initiated renovation work in the month of March 2022 when two sons of Sant Singh started interfering in the renovation work and tried to take forcible possession of the said property. A civil suit (O.S) No.437 of 2022 was thereafter instituted by the petitioner before the Hon'ble Delhi High Court staking his own claim as also raising a challenge to the Gift Deed purportedly set up by the sons of Sant Singh dated 14.07.1994 and registered as document No.2553. An injunction has also been passed.

The petitioner also claims to have moved a complaint under Section 156 (3) Cr.P.C. before the Metropolitan Magistrate, Delhi vide C.C. No.1219 of 2022.

The Death Certificate issued by the Registrar Births and Deaths, Punjab, however, is impugned before this Court in the present proceedings.

Learned counsel for the petitioner does not dispute that the above said death certificate has a bearing on the inter se rights of the parties in the ongoing civil suit before the Hon’ble Delhi High Court as validity of the titled document would be dependent on the same. The said issue being ancillary to the adjudication of rights between the parties, there is no reason for this Court to entertain the present writ petition as disputed questions of fact would arise for determination. The petitioner having approached the Civil Court ought to establish his rights before the Civil Court in the pending Civil Proceedings.

The present petition is accordingly dismissed. Petitioner is, however, at liberty to pursue his remedies in the ongoing civil proceedings. Dismissal of the present petition should not be construed as an expression of opinion on merits on the respective claims of the parties.

October 20, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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