

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:019136

RSA-1633-1988
Date of decision: 12.02.2024

RAM NIWAS (DECEASED) THROUGH LRS. ..Appellant

Versus

BIMLA AND ORS. ..Respondents

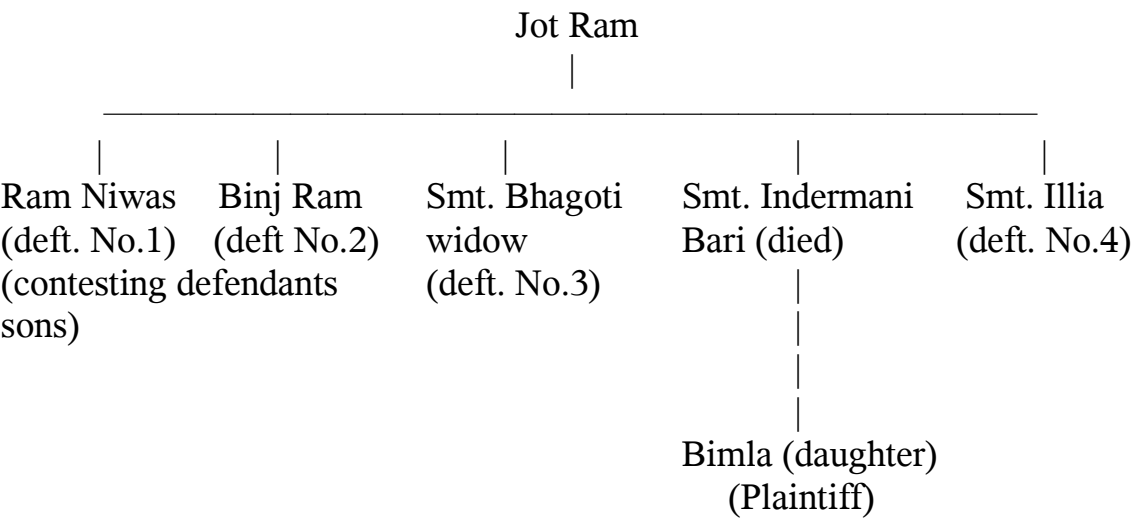
CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manmohan, Advocate
for the appellant.

Mr. Rajiv Sharma, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the correctness of the concurrent findings of fact arrived at by the Courts below is challenged by defendant No.1.
2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed.
3. A small pedigree table showing *inter se* relationship between the parties as drawn by the trial Court is extracted as under:-



4. The plaintiff (respondent herein) is the daughter's daughter of late Sh. Jot Ram. She claims to be entitled to inherit the suit property left

behind by Sh. Jot Ram along with defendant No.1 and 2. Defendant No.1 (appellant herein) contested the suit claiming that the pedigree table is incorrect and the plaintiff and defendant No.3 and 4 have no relationship with deceased Sh. Jot Ram. In fact, he stated that plaintiff is daughter of Sh. Indermani. Both the Courts on appreciation of evidence have found that plaintiff is daughter's daughter of Sh. Jot Ram and therefore, entitled to succeed to the property of Sh. Jot Ram.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

6. The learned counsel representing the appellant submits that originally the plaintiff filed the suit for grant of decree of declaration, however, during the pendency of the suit she was permitted to amend the plaint to seek relief of possession. He submits that the amendment was allowed and thereafter, the suit was decided within a period of 14 days.

7. This Court has considered the submissions of the learned counsel representing the parties.

8. It is evident that the plaintiff was only permitted to amend the prayer clause in order to permit the plaintiff to seek proper relief.

9. Both the parties were given due opportunity to contest the case. The suit remained pending for nearly four years. Defendants were granted reasonable opportunity to contest the case.

10. Furthermore, defendant filed first appeal. During the pendency of the first appeal, no application for additional evidence was filed by the defendant.

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11. Keeping in view the aforesaid discussion, no ground to interfere is made out.
12. Dismissed accordingly.
13. All the pending miscellaneous applications, if any, are also disposed of.

February 12th, 2024
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(ANIL KSHETARPAL)
JUDGE

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