

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

RSA-1550-1994 (O&M)
Date of Order:25.04.2024

JANGIR KAUR & ORS.

.Appellants

Versus

GURMAIL SINGH & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Randhawa, Advocate and
Mr. Tarranum Madan, Advocate and
Mr. Kamaljit, Advocate
for the appellants.

Mr. K.S.Sidhu, Sr. Advocate, with
Mr. Praagbir S. Dhindsa, Advocate
Mr. Kartik Bansal, Advocate
for respondent no.1.

Mr. Yash Goyal, Advocate, for
Mr. L.S.Sidhu, Advocate
for respondent no.3.

ANIL KSHETARPAL, J

1. After having heard the learned counsel representing the parties at length, it appears that the decision of the appeal would not make any difference to the parties in view of the subsequent developments.
2. The learned counsel representing the parties irrespective of the result of this appeal agree that Sh. Gurmail Singh would get 1/3rd share in the property left behind by Sh. Sajjan Singh either by virtue of Will left behind by Sh. Ganga Singh or by another Will executed by Smt. Harnam Kaur.
3. Four brothers, namely, Sh. Gajjan Singh, Sh. Sajjan Singh, Sh. Swaran Singh and Sh. Ganga Singh were owners of 1/8th share each in the property. Sh. Sajjan Singh died in the year 1942, however, he did not have a male child. He left behind Smt. Harnam Kaur. Subsequently, Smt. Harnam

Kaur re-married Sh. Gajjan Singh, Sh. Sajjan Singh's brother. Sh. Ganga Singh filed a suit claiming that he is entitled to 1/24th share which is equivalent to 1/3rd share in Sh. Sajjan Singh's share of 1/8th in the property because Smt. Harnam Kaur by virtue of custom in the family, forfeited her right.

- 4. Both the courts decreed the suit.
- 5. Sh. Ganga Singh died. He bequeathed his property in favour of Sh. Gurmail Singh. Sh. Ganga Singh is maternal grand father of Sh. Gurmail Singh. Similarly, Smt. Harnam Kaur also bequeathed the property in favour of Sh. Gurmail Singh. If the appeal is accepted, the property left behind by Smt. Harnam Kaur will come to the share of Sh. Gurmail Singh by virtue of Will executed by Smt. Harnam Kaur. If, Sh. Ganga Singh succeeds, the property will come to Sh. Gurmail Singh by virtue of the Will executed by Sh. Ganga Singh in favour of Sh. Gurmail Singh.
- 6. In view of the aforesaid, by keeping the question of law open, the appeal is disposed of.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

April 25, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO