

S. No.117

2024:PHHC:093490



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

CR No.2490 of 2023 (O&M)

Date of Decision: 22.07.2024

.....Petitioner

Pargat Singh

Vs.

Rupinder Kaur and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.S. Deol, Advocate for the petitioner.

Ms. Aashna Gill, Advocate for the respondents.

DEEPAK GUPTA, J.

Petition under Section 372 of the Indian Succession Act bearing Succession Case No.26 of 2012 filed by petitioner – Rupinder Kaur (respondent No.1 herein) against her brother Pargat Singh (petitioner herein) and also impleading another sister Ramanjit Kaur as pro-forma respondent was allowed by the Court of learned Civil Judge (Senior Division), Patiala vide order dated 31.05.2016. Appeal filed by contesting respondent- Pargat Singh has been dismissed by learned Additional District Judge, Patiala vide order dated 10.11.2022. Assailing both the afore-said orders, the original respondent – Pargat Singh has approached this Court by way of present petition.

2. To avoid confusion, parties shall be referred as per their status before trial Court. As the perusal of the paper book would reveal that Smt. Swaranjit Kaur, the mother of the contesting parties was working as a Ward Attendant with Government Ayurvedic Hospital, Patiala. Petitioner- Rupinder Kaur sought succession certificate with regard to the Provident Fund of said Smt. Swaranjit Kaur which is approximately ₹4 lakhs by

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claiming that during her lifetime, Smt. Swaranjit Kaur had disinherited respondent No.2 – Pargat Singh and as such, he did not have any right, title or interest in the amount in question whereas proforma respondent i.e. another sister did not have any objection if the succession certificate was issued in respect of the said amount in favour of the petitioner.

3. Pargat Singh (petitioner herein) refuted the claim by submitting that there is no provision under any law to disinherit and that he was also entitled to the amount.

4. After framing necessary issues and taking the evidence of the parties, the trial Court allowed the petition and the appeal was dismissed by the Appellate Court, as has already been noticed.

5. I have considered submissions of both the sides and have perused the record.

6. As the order of the Appellate Court would reveal that it had been pleaded by the appellant- respondent – Pargat Singh that he had executed the affidavits Ex.P5 to Ex.P7 and that as per affidavit Ex.P5, he did not have any objection if all the dues, i.e. GP Fund, pension, superannuation ex-gratia and other benefits of the deceased- Swaranjit Kaur are given to his sister – Rupinder Kaur. As per affidavit Ex.P6, it was affirmed by said Pargat Singh that he did not have any objection if the Department gives the job to Rupinder Kaur in place of their mother – Swaranjit Kaur. By way of another affidavit Ex.P7, executed by Pargat Singh, it was stated by him that Rupinder Kaur was the only legal heir of deceased- Swaranjit Kaur as she was dependant upon her. Appellant (before Appellate Court)- Pargat Singh did not deny the execution of any of these documents nor there was any evidence on record to show that these documents

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were executed by him under any kind of pressure. He had not moved any application before the Police or any other authority that affidavits executed by him were under pressure or that the same had been obtained from him fraudulently.

7. In view of above-said observations and findings based thereon and after going through the judgments passed by the Courts below, this Court does not find any illegality or perversity in the order passed by the Courts.

8. Faced with this situation, learned counsel for the petitioner submits that Court should clarify that the succession certificate is only with regard to the assets as claimed in the succession certificate, i.e. the provident fund of deceased- Smt. Swaranjit Kaur.

9. In view of the discussion as above, though this petition is hereby dismissed but to allay the fears of the petitioner, it is hereby made clear that the succession certificate to be issued in favour of respondent- Rupinder Kaur is only in respect of the Provident Fund of deceased- Smt. Swaranjit Kaur as has been claimed in the present petition.

10. Disposed of accordingly.

July 22, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No