

2024:PHHC:016225

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

1.RSA-1443-2022 (O&M)

Ranjit Kaur (since deceased) through LRs
....Appellant

Versus

Karamjit Kaur and others
..Respondents

2.RSA-1450-2022 (O&M)

Ranjit Kaur (since deceased) through LRs
....Appellant

Versus

Karamjit Kaur and others
..Respondents

Date of decision: 05.02.2024

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Sherry K Singla, Advocate for the appellant
 Mr. Jarnail Singh Brar, Advocate
 Mr. P.S.Jammu, Advocate for respondent no.3

ANIL KSHETARPAL, J (Oral)

1. By this order, two connected Regular Second Appeals i.e RSA-1443-2022 and RSA-1450-2022 shall stand disposed of.

2. Though the appellant in two connected appeals has filed application for withdrawal of the appeals, however, Sh. P.S.Jammu, learned counsel representing the subsequent purchaser/respondent no.3, prays for transposing him as appellant on the ground that he has purchased the rights of the appellant.

3. He has been permitted to address arguments on the merits of the case keeping in view the aforesaid development.

4. The correctness of the concurrent findings of fact arrived at by the courts below is challenged in this Regular Second Appeal by the plaintiff. The plaintiff claims the property of Sh.Jangir Singh as an agnate.

5. On the other hand, the defendant no.2 is niece of late Sh.Jangir Singh. As per entry 4 of the List of Class II heirs of the Hindu Succession Act, 1956, the niece (sister's daughter) is Class II heir. Thus, the courts have dismissed the plaintiff's suit.

6. Learned counsel representing respondent no.3 submits that he is a bonafide purchaser for valuable consideration from Ranjit Kaur, the plaintiff. It is evident that Ranjit Kaur (the plaintiff) was never the owner of the property left behind by late Sh.Jangir Singh. Hence, Ranjit Kaur could not pass on any title in favour of Sh.Surjit Singh (respondent no.3).

7. Learned counsel representing the parties did not press any other issue.

8. Keeping in view the aforesaid facts, no ground to interfere is made out.

9. Hence, dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

05.02.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE