



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.3267 of 2016 (O&M)

Reserved on: 01.05.2025

Date of Order: 05.05.2025

Gurmukh Singh and others

.Appellants

Versus

Norata Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Bhardwaj, Advocate
for the appellants.

Ms. Harshvir Kaur Swaitch, Advocate
for Mr. N.S.Swaitch, Advocate
for respondent no.4.

ANIL KSHETARPAL, JUDGE (Oral)

I. **BRIEF FACTS:-**

1. The plaintiffs assail the correctness of the concurrent findings of fact arrived at by the courts below while dismissing their suit for joint possession of the land to the extent of 1/5th share of land belonging to Norata Singh, defendant no.1 and to grant declaration that the transfer deed dated 08.01.2007, executed by defendant no.1 in favour of defendant no.2 regarding land measuring 14 kanals and 17 marlas is illegal, null and void, with consequential relief of permanent injunction.

2. The plaintiffs are daughters and son of Norata Singh (defendant no.1). Defendant no.2, is their brother. In substance, the plaintiffs filed the suit against their father and brother.

3. Both the courts have held that the plaintiffs failed to prove that the suit property is joint ancestral coparcenary property. In order to prove



that the property is Joint Hindu Family Ancestral Coparcenary property, PW2-Joginder Singh, Special Kanungo and PW4-Baaru Singh were examined. Joginder Singh stated that Baaru Singh prepared the excerpt after translating it from Urdu. PW4-Baaru Singh disclosed that he was not sure if the suit property was ancestral or not. He admitted that no comparison was made with the official record after preparing the excerpt. It has also come in evidence that as per jamabandi for the year 1977-78 and 1997-98, Smt. Dayal Kaur, the wife of Norata Singh was reflected as a share holder in the suit land which was subsequently transferred by Smt. Dayal Kaur in favour of defendant no.2-Gurcharan Singh. PW2-Joginder Singh also disclosed that 11 kanals and 16 marlas land devolved from Jassa Singh to Sunder Singh. Moreover, Norata Singh had purchased the property at village Balian out of his own income because he owned a cycle repair shop and also a sweet shop. Norata Singh during his life time declared that plaintiff no.1-Gurmukh Singh will not be entitled to inherit his property. Thus, both the courts dismissed the suit.

II. ARGUMENTS:-

4. The learned counsel representing the appellants while referring to the amendment in Hindu Succession Act, 1956 (hereinafter referred to as 'the 1956 Act'), contends that the daughters are also coparceners in the coparcenary property. He submits that the present suit was filed on 11.04.2007, whereas the amendment in Section 6 of the '1956 Act' came into effect from 09.09.2005.

III. ANALYSIS AND DISCUSSION:-

5. This court has considered the submissions of the learned



counsel representing the appellants, however, finds no substance therein.

6. The learned counsel representing the appellants has not challenged the correctness of the findings which have already been noticed. The daughters were included in the coparcenary with effect from 09.09.2005, however, the plaintiffs are required to prove that a coparcenary property existed. It is only then the daughters will become coparcener. Some part of the property was purchased by Norata Singh during his life time which was his self acquired property. Smt. Dayal Kaur wife of Norata Singh was also a co-sharer in the suit property as reflected in the jamabandies for the years 1977-78 and 1997-98. Moreover, the revenue officials who prepared the excerpt did not compare it with the original record.

IV. **DECISION:-**

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

05th May, 2025
nt

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