



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

202

RSA-82-2017 (O&M)

Date of decision : 06.08.2025

Kahla Singh and another

..... Appellants

versus

Angrej Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. H.P.S. Ghuman, Advocate
for the appellants.

Mr. Vishal Aggarwal, Advocate
for respondents No.1 to 3.

Mr. Naginder Singh Vashisht, Advocate
for respondent No.14.

PANKAJ JAIN, J. (Oral)

1. Plaintiffs are in appeal.
2. Plaintiffs filed suit seeking decree of declaration to the effect that a mutation No.3135 dated 15.09.2006 entered with respect to inheritance of Amar Singh son of Prem Singh qua his share in the land as detailed out in the headnote of the plaint is illegal, null and void, inoperative, ineffective, void, ab-initio and the same is not binding with the rights of the plaintiffs and proforma respondents No.5 to 13.
3. It is admitted that on the date, the inheritance with respect to estate left by Amar Singh, who died issueless and was unmarried, was sanctioned i.e. on 15.09.2006. His sister namely Swaran Kaur was alive. Plaintiffs are sons of Sher Singh and brother of Amar Singh. Amar Singh having died intestate. His succession has to abide by



Section 11 of Hindu Succession Act, 1956 read with Schedule-II as Amar Singh left behind no class-I legal heir. Section 11 of the Act and Schedule with respect to class-II heir read as under:-

“11. Distribution of property among heirs in class II of the Schedule.—The property of an intestate shall be divided between the heirs specified in any one entry in class II of the Schedule so that they, share equally.

Class II

I. Father.

II. (1) Son's daughter's son, (2) son's daughter's daughter, (3) brother, (4) sister.

III. (1) Daughter's son's son, (2) daughter's son's daughter, (3) daughter's daughter's son, (4) daughter's daughter's daughter.

IV. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter.

V. Father's father; father's mother.

VI. Father's widow; brother's widow.

VII. Father's brother; father's sister.

VIII. Mother's father; mother's mother.

IX. Mother's brother; mother's sister.

Explanation.—In this Schedule, references to a brother or sister do not include references to a brother or sister by uterine blood.”

4. It is evident that in the presence of sister of Amar Singh, the plaintiffs are not entitled for the estate left by Amar Singh by way of succession.

5. At this stage, Mr. Ghuman submits that Amar Singh is still alive and his death could not be proved on record. If so is the case, even then the plaintiffs have no locus as it is only Amar Singh who can challenge mutation.

6. In view of above, finding no merits in the present appeal, the same is ordered to be dismissed.



7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

06.08.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No