

(2018) 04 P&H CK 0035

High Court Of Punjab And Haryana At Chandigarh

Case No: RSA No.357 of 2018 (O&M)

Manjinder Kaur and
others

APPELLANT

Vs

Karamveer Kaur and
another

RESPONDENT

Date of Decision: April 3, 2018

Hon'ble Judges: Harinder Singh Sidhu, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

HARINDER SINGH SIDHU, J.

Plaintiff- respondent No.1 had filed a suit for declaration that she is the owner to the extent of 1/3rd share in the estate left by her late father

Santokh Singh comprising bank accounts, a house measuring 500 square yards etc.

Defendants- Nos.1 to 3 (the appellants herein) filed a counter

claim to the extent that they are owners in joint possession to the extent of 9/32 share each of the properties and that the plaintiff is owner in joint

possession to the extent of 5/32 share.

The Ld. Trial Court vide judgment and decree dated 25.01.2013 partly decreed the suit of the plaintiff to the extent that she is owner to the extent of

5/32 share in the property and the defendants No.1 to 3 are owners to the extent of 9/32 share each in the property. Thus, the counter claim of the

defendants No.1 to 3 was decreed.

Two appeals being Civil Appeal No.112 of 27.02.2013 and Civil Appeal No.120 of 27.02.2013 were preferred by the plaintiff- respondent No.1,

which were disposed of by the Ld. Lower Appellate Court vide common judgment and order dated 24.07.2017.

The appeal of the plaintiff in the suit was partly allowed. The plaintiff was held entitled to a declaration that she was owner to the extent of 1/4th

share in the suit property and defendants No.1 to 3 were held to be owners to the extent of 1/4th share each. The appeal against the counter-claim

was also partly allowed. The findings of the learned lower court regarding the counter-claim filed by defendants No.1 to 3 were modified to the

effect that defendants No.1 to 3 were declared to be the owner in joint possession to the extent of 1/4th share each in the entire suit property on the

basis of Will dated 18.05.2005 Ex.D2 of late Santokh Singh, whereas, the plaintiff was declared to be owner in joint possession to the extent of 1/4th

share in the entire suit property.

Defendants No.1 to 3 (Appellants No.1 to 3 herein) filed RSA No.5590 of 2017 impugning the judgment and decree dated 24.07.2017, whereby, the

Civil appeal No.112 of 27.02.2013 of the plaintiff was partly allowed. This RSA was dismissed vide judgment and order dated 12.02.2018. The

findings of the lower appellate Court were affirmed.

The present RSA has been filed impugning the judgment and decree dated 24.07.2017, whereby, the Civil appeal No.120 of 27.02.2013 of the plaintiff

against the decision of the Trial Court in the counter claim of the defendants was partly allowed.

For the same reasons as in the judgment and order dated 12.02.2018 in RSA No.5990 of 2017, the present regular second appeal is also dismissed.

Since the appeal has been dismissed on merits, therefore, there is no necessity of deciding the application for condonation of delay in re-filing the

appeal.