

2025:PHHC:032275



RSA-5794-2014 (O&amp;M)

[113] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RSA-5794-2014 (O&M)  
Date of Decision : 06.03.2025

Parmod Kumar and others ...Appellants  
versus

Indu Mehra and others ....Respondents

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Kushagra Mahajan, Advocate for the appellants.  
Mr. Vaneet Sharma, Advocate for the respondents.

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**PANKAJ JAIN, J. (ORAL)**

[1] Defendant Nos.1 to 3 are in appeal, aggrieved of judgment and decree passed by learned Additional District Judge, Amritsar dated 08.05.2014, whereby appeal preferred by the defendants has been partly allowed, holding plaintiffs along with defendant No.4 together entitled to 6/25<sup>th</sup> share in the suit property, defendant No.1 entitled to 6/25<sup>th</sup> share, defendant No.2 entitled to 12/25<sup>th</sup> share and defendant No.3 entitled to 1/25<sup>th</sup> share in the suit property.

[2] Counsel for the appellants has tried to assail the findings recorded by the Courts below on the Will. However, he could not dispute that the beneficiary namely Smt. Manjula Mehra not only actively participated in execution of WILL, but was one of the attesting witnesses to the same. Thus, the Courts below have rightly discarded the Will dated 09.04.1990 executed by Sh. Thakur Dass Mehra.

[3] His grievance primarily relates to the observations made in para No.19 of the judgment with respect to Lata Kapoor-appellant No.3, which



reads as under:-

*“19. Since, Smt. Manjula Mehra was not competent to execute the sale deed qua remaining share, sale deed qua the remaining 19/25th share could be said to be null and void and not binding upon the rights of the plaintiffs. The learned trial Court has passed the preliminary decree holding that the plaintiffs are entitled to 1/4th share in the suit property since Smt. Manjula Mehra has also got 6/25th share and she during her life time had executed sale deed dated 7.11.1995 in favour of defendant No.2 and said sale deed qua her own share is valid. The impugned judgment and decree is liable to be modified. The married daughter Lata Kapoor could not be a member of Hindu Undivided Family and was not entitled to any share on notional partition. The share of deceased would have gone to his wife, three sons and one daughter in equal shares, therefore, the shares of wife and three sons came to 6/25 share each. ”*

[4] In the considered opinion of this Court, once the parties admit that the property itself was notionally partitioned and Lata Kapoor-appellant No.3 is a married daughter, no exception can be taken to the findings recorded by the Courts below that Lata Kapoor being a married daughter cannot be held to be a member of Hindu Undivided Family (HUF) and was thus not entitled for any share on notional partition.

[5] **Dismissed.**

[6] All pending miscellaneous application(s), if any, stands *disposed off.*

**(PANKAJ JAIN)**  
**JUDGE**

06.03.2025  
'R. Sharma'

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