

RSA-4677-2019 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

S.No.124

RSA-4677-2019 (O&M)

Date of Decision : 28.07.2025

Som Nath

... Appellant

Versus

Bimla Rani and others

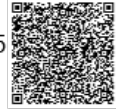
... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. I.S.Pabla, Advocate,
for the appellant.

PANKAJ JAIN, J. (Oral)

Lis relates to inheritance to the estate of Gurbax Lal son of Mool Chand, father of the plaintiff. From the records, it is discernible that Mehnga Ram son of Mahna Mal was the owner. From him, the estate came to his son Mool Chand. Mool Chand died on 11.05.1972. He was succeeded by his 5 sons and wife Satya Rani by virtue of Will dated 22.08.1969. Even though there is covenant in the Will that it is only life interest that was being bequeathed in favour of Satya Rani and thereafter, the same shall be succeeded by 5 sons of Mool Chand and Satya Rani. However, in view of Section 14 of Hindu Succession Act, Satya Rani became absolute owner of 1/6 share. After the death of Satya Rani, her share further devolved upon her 5 sons. Each son became owner to the extent of $1/6 + 1/30$ share = $1/5$ share



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2. Gurbax Rai alias Gurbax Lal died intestate on 29.06.1973. Mutation with respect to his inheritance is in dispute.

3. The plaintiff claim that his estate ought not have been inherited in favour of his sisters as the property in question is ancestral. Even if the plea raised by the plaintiff is taken on its face value, the land inherited by Gurbax Lal from his father Mool Chand can at most be held to be ancestral. However, the land succeeded by him through his mother Satya Rani who was absolute owner of 1/6 share cannot be held to be ancestral, the same having been inherited by way of succession and not survivorship. The ancestral and non-ancestral property being blended in the manner that the same cannot be segregated, whole of the property in the hands of Gurbax Rai alias Gurbax Lal became his self-acquired property. Thus, no fault can be found with the findings recorded by the Courts below.

4. Finding no merit in the present appeal, the same is ordered to be dismissed.

5. Pending application, if any, stands disposed off.

(PANKAJ JAIN)
JUDGE

July 28, 2025
Paritosh Kumar

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