

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

127

RSA-2503-2025 (O&M)**Date of decision: 22.07.2025****Sukhbir Kaur @ Sukhvir Kaur****...Appellant(s)****Vs.****Amarjit Kaur (now deceased) through her LRs****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. J.S.Sodhi, Advocate for the appellant.

NIDHI GUPTA, J.**CM-8576-C-2025**

Prayer in this application filed under Section 151 CPC is for condonation of delay of 75 days in refiling the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by affidavit of Id. counsel for the applicant-appellant, the same is allowed and delay of 75 days in refiling the appeal is condoned.

RSA-2503-2025 (O&M)

The appellant/plaintiff is in Second Appeal against the concurrent judgments and decrees of the learned Courts below whereby suit for permanent injunction and declaration filed by the appellant, has been dismissed by both the Courts below.

2. It is the case of the appellant that she was legally wedded wife of Harbhajan Singh/defendant No.2. Appellant had filed a suit



seeking permanent injunction restraining her husband Harbhajan Singh from alienating the suit land as described in the head note of the plaint which Harbhajan Singh had sold in favour of his daughter/defendant No.1 vide registered Sale Deed dated 24.06.2005; and further declaration was sought that the said Sale Deed dated 24.06.2005 is illegal, malafide, sham transaction and without consideration.

3. It is submitted by learned counsel for the appellant that the learned Courts below were erroneous in non-suiting the appellant as the impugned judgments and decrees are contrary to the evidence on record. Learned Courts below were in error in holding that the Sale Deed/Transfer Deed dated 24.06.2005 cannot be set aside as the same has been executed after receiving full consideration from the daughter/defendant No.1 by misinterpreting the said Sale Deed and misreading evidence on record. The said Transfer Deed executed by Harbhajan Singh in favour of his daughter has no value and legality in the eyes of law. It is submitted that the fact that appellant was a legally wedded wife of Harbhajan Singh is made out from the fact that the application of the appellant for maintenance filed under Section 125 Cr.P.C. was allowed vide order dated 13.12.2010; whereby maintenance of Rs.2,000/- p.m. was awarded to the appellant. Moreover, suit property was ancestral in nature. It is contended that therefore, defendants have no right to deny the appellant her share in the property owned by Harbhajan Singh as appellant was legally wedded wife of the said Harbhajan Singh. It is accordingly prayed that the



present Appeal be allowed; and the impugned judgments and decrees be set aside.

4. No other argument is raised on behalf of the appellant.

5. I have heard learned counsel for the appellant/plaintiff and perused the case file in great detail. I find no merit whatsoever in the submissions made on behalf of the appellant/plaintiff.

6. It has been stated by the appellant before this Court that she was married with Harbhajan Singh on 15.04.2005. It has been admitted by learned counsel for the appellant that the appellant and Harbhajan Singh had been living separately since 2009; and that no child was born out of their wedlock. It was the second marriage of both the parties. Defendant No. 1 is the daughter of Harbhajan Singh from his first marriage. In order to prove her marriage to Harbhajan Singh, appellant has referred to Marriage Certificate (Annexure A-7). However, admittedly the said Certificate was not produced by the appellant before the learned Courts below. Even no information is forthcoming as to why the said document was not produced prior hereto. Thus, it is only on the basis of order dated 13.12.2010 passed under Section 125 Cr.P.C., that the appellant is claiming to be the wife of Harbhajan Singh. However, even from the said order it cannot be held with certainty that marriage between appellant and Harbhajan Singh is proved as the same was passed, ex parte. Therefore, in the first instance, marriage between appellant and Harbhajan Singh is not proved. Thus, the very foundation on the basis of which appellant is laying claim to the suit property is not established. Even otherwise, Appellant can derive no



benefit from the order dated 13.12.2010 passed under Section 125 Cr.P.C. as the same has been passed much after the execution of the Sale Deed/Transfer Deed dated 24.06.2005. Thus, title was conferred upon defendant No.1 by defendant No.2 even prior to filing of application under Section 125 Cr.P.C.

7. The appellant has claimed share in the suit property of Harbhajan Singh by asserting that the suit property was ancestral property of Harbhajan Singh. However, there is not an iota of evidence on record to show that the suit property of defendant No.2 was ancestral. Thus, defendant No.2 being owner of the suit property was legally competent to alienate the same in favour of whomsoever he pleased.

8. Furthermore, no explanation has been given by the appellant as to why in respect of Sale Deed dated 24.06.2005, Civil Suit was filed on 20.09.2012/21.11.2015.

9. In view of the above, I find no ground is made out to interfere in the concurrent findings of learned Courts below.

10. The present Regular Second Appeal is hereby **dismissed**.

11. Pending applications, if any, stand disposed of.

22.07.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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