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

**RSA-1051-2019 (O&M)  
Reserved on : 13.01.2025  
Date of Decision : 21.01.2025**

Devinder Kaur and Others ... Appellant(s)

VERSUS

Jatinder Kaur and Others ... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Vishal Munjal, Advocate for the appellants.

**ALKA SARIN, J.**

1. The present appeal has been preferred by the plaintiff-appellants challenging the judgments and decrees dated 22.03.2017 and 26.10.2018 passed by the Trial Court and the First Appellate Court, respectively.
2. Brief facts relevant to the present *lis* are that the plaintiff-appellants herein filed a suit for declaration that they were owners and in possession of 73/5020 share in land measuring 8 kanals 17 marlas 5 sarsahi as fully described in the plaint situated in the revenue estate of Sangrur-A, Tehsil and District Sangrur and 1/8<sup>th</sup> share in land measuring 1 bigha 19 biswas as fully described in the plaint situated in the revenue estate of village Ramgarh Sibian, Tehsil Raikot, District Ludhiana, on the basis of natural succession being Class-I legal heirs of deceased Amar Chand son of Bhag Ram. Challenge was also laid to the mutation Nos.34582 and 2091 whereby the

inheritance of Amar Chand son of Bhag Ram sanctioned in favour of the defendant-respondents as being wrong, illegal, null and void as well as for permanent injunction. The case set up by the plaintiff-appellants in the plaint was that Amar Chand was married to one Viran Devi and they were divorced vide judgment and decree dated 12.04.1980. Thereafter, Amar Chand married the plaintiff-appellant No.1 and they cohabited with each other as husband and wife. Amar Chand subsequently died leaving behind the plaintiff-appellants as his Class-I heirs. It was further averred that the plaintiff-appellants served Amar Chand till his death and that the last rites were also performed by them. It was further the case that the plaintiff-appellant No.1 had applied for grant of succession certificate under Section 372 of the Indian Succession Act, 1925 which was granted in her favour on 11.08.2011 and the plaintiff-appellants were declared as Class-I heirs of Amar Chand. The said certificate was issued qua the pension of Amar Chand in favour of the plaintiff-appellant No.1. It was further the case that Amar Chand was a Government employee and that after his death all his moveable or immovable properties were inherited by the plaintiff-appellants. On notice the defendant-respondents filed their written statement raising various preliminary objections. On merits it was stated that the plaintiff-appellant No.1 was not the legally wedded wife of Amar Chand and the remaining plaintiff-appellant Nos.2 to 5 were not children of Amar Chand. It was further stated that the marriage of the defendant-respondent No.1, namely, Jatinder Kaur, was solemnized on 11.07.1981 at Dabwali and that the defendant-respondents were Class-I heirs of Amar Chand. It was further contended that an application was filed by the defendant-respondent No.1 under Section 125 of the Code of Criminal Procedure, 1973 which was allowed by the Court of

Chief Judicial Magistrate, Bathinda on 02.11.1989. In the said petition, Amar Chand had specifically admitted Jatinder Kaur (defendant-respondent No.1 herein) as his legally wedded wife. It was further contended that the defendant-respondents were residing in the house belonging to Amar Chand. Replication was not filed. On the basis of the pleadings, the following issues were framed:

1. Whether the plaintiffs are entitled for declaration as prayed for ? OPP
2. Whether the plaintiffs are entitled for permanent injunction as prayed for ? OPP
3. Whether the plaintiffs have no locus standi to file the present suit ? OPD
4. Whether the plaintiffs are estopped by their act and conduct from filing the present suit ? OPD
5. Whether the plaintiff No.1 is not legally wedded wife of deceased Amar Chand ? OPD
6. Relief.

3. The Trial Court vide judgment and decree dated 22.03.2017 dismissed the suit. Aggrieved by the same an appeal was preferred which appeal was also dismissed by the First Appellate Court vide judgment and decree dated 26.10.2018. Hence, the present regular second appeal by the plaintiff-appellants.

4. Learned counsel for the plaintiff-appellants would contend that both the Courts have erred in dismissing the suit. It is urged that the plaintiff-appellant No.1 was the legally wedded wife of Amar Chand and that the remaining plaintiff-appellant Nos.2 to 5 were children of Amar Chand. It is

further the contention of the learned counsel that cogent evidence was led on the record to prove their relationship with Amar Chand. However, both the Courts have erroneously ignored the same and non-suited the plaintiff-appellants.

5. I have heard the learned counsel for the plaintiff-appellants.

6. In the present case both the Courts thread-bare discussed the evidence led by the plaintiff-appellants. Each one of the witnesses in their cross-examination spilled the beans and denied any knowledge of the marriage between Amar Chand and the plaintiff-appellant No.1. It is to be noted that the succession certificate granted in favour of the plaintiff-appellant No.1 on 11.08.2011 was subsequently revoked on an application filed by the defendant-respondents herein wherein also it was found that the plaintiff-appellant No.1 herein had failed to prove that she was the legally wedded wife of Amar Chand. The said order of revocation was challenged in CR-1271-2019 which was also dismissed vide order dated 31.10.2022. It is trite that the findings in proceedings under Chapter 10 of the Indian Succession Act, 1925 are summary in nature and the findings would not be binding, however, the same have been noticed only because of the stand taken by the plaintiff-appellant No.1 that succession certificate was issued in her favour. The learned counsel for the plaintiff-appellants has not been able to point out any cogent and reliable evidence on the record to prove that the plaintiff-appellants are the Class-I heirs of Amar Chand. There is no reason for this Court to take a different view from the one taken by both the Courts.

7. In view of the above, no fault can be found with the judgments and decrees passed by both the Courts. No question of law, much less any substantial question of law, arises in the present case. The appeal being devoid

of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

21.01.2025  
Yogesh Sharma

( **ALKA SARIN** )  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO