

Rakha Singh and Others Vs. Administrator General Punjab and Others

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Court : Punjab and Haryana

Decided On : Aug-02-2013

Appellant : Rakha Singh and Others

Respondent : Administrator General Punjab and Others

Judgement :

L.P.A.No.101 of 2005 {1} IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH L.P.A.No.101 of 2005 (O&M) Date of Decision: August 02, 2013
Rakha Singh & others ...Appellants Versus Administrator General, Punjab & others
...Respondents CORAM: HON'BLE MR.JUSTICE SANJAY KISHAN KAUL, CHIEF JUSTICE HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH, JUDGE 1

Whether Reporters of local papers may be allowed to see the judgment?.

2. To be referred to the Reporters or not?.

3. Whether the judgment should be reported in the Digest?.

Present: Mr.S.D.Sharma, Senior Advocate with Mr.Vikas Bahl, Advocate, for the appellants.

Sukhdip S.

Brar, DAG, Punjab, for the State.

Mr.T.P.S.Tung, Advocate, for respondent Nos.3 to 9.

***** SANJAY KISHAN KAUL, CHIEF JUSTICE (ORAL) The appeal is directed against the impugned order of the learned Single Judge vesting the estate of late Shri Bishan Singh under the provisions of Sections 9 and 10 of the Administrator General Act, 1968 with the Administrator.

This is so as the finding is of absence of any legal heir to inherit the estate of late Bishan Singh.

It is not in dispute that the appellants before us, who were Kumar Ramesh 2013.08.05 17:39 I am the author of this document High Court Chandigarh L.P.A.No.101 of 2005 {2} respondent Nos.9 to 11 before the learned Single Judge, had filed suit proceedings claiming right to the estate of late Shri Bishan Singh being adopted son of late Shri Nika Singh.

The suit did not succeed as also the fiRs.appeal and we are informed that the matter is pending in Regular Second Appeal No.1215 of 2013.

The conclusion, thus, is that if the appellants before us succeed in those proceedings either in the Regular Second Appeal or before the Supreme Court, they would be entitled to inherit the estate of late Shri Bishan Singh.

Otherwise, property would vest with the Administrator.

The apprehension expressed by the learned senior counsel for the appellants is that the observation made in the impugned order at internal page 15 para 40 of the paper book may affect the result of the Regular Second Appeal and it is in fact his submission that the said observation has weighed with the trial Court and thereafter with the fiRs.Appellate Court.

A perusal of the observations shows that these were only prima-facie in character and, thus, cannot prejudice the result on merits of the Regular Second Appeal and, thus, the apprehension of the counsel is misplaced.

It is, thus, agreed that we dispose of the present appeal with the following directions:- i) The observations made in the impugned order qua the appellants only being prima-facie in nature will not affect the result of Regular Second Appeal

or any other proceedings of any other legal heiRs.ii) The question of the estate vesting with the Administrator Kumar Ramesh 2013.08.05 17:39 I am the author of this document High Court Chandigarh L.P.A.No.101 of 2005 {3} General as per the impugned order only arises if the appellants or any other legal heirs are unable to establish their claim to the estate of late Shri Bishan Singh in appropriate civil proceedings.

iii) Till the aforesaid adjudication(s) take(s) place, the estate will not be alienated, encumbranced or parted with the possession.

The appeal accordingly stands disposed of.

(SANJAY KISHAN KAUL) CHIEF JUSTICE August 02, 2013 (AUGUSTINE GEORGE MASIH) ramesh JUDGE Kumar Ramesh 2013.08.05 17:39 I am the author of this document High Court Chandigarh

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