

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

C.R 6840 of 2019

Date of decision : 31.10.2019

Neeru Sharma and ors.

...Petitioners

VS.

Sukhwinder Kaur and ors

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. H.K. Aurora, Advocate,
for the petitioners.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 24.09.2019 (P-1) passed by learned Civil Judge (Jr. Divn.) Garhshankar.

The dispute in the present case is with respect to property of Tarlochan Singh. Petitioner No. 1 is wife of Tarlochan Singh and petitioner Nos. 2 to 4 are his children. Tarlochan Singh died on 10.7.2013 and left behind petitioners and respondent No. 5 as his legal heirs. However, Taro Rani along with respondent No. 1 and 2 managed to get the mutation No. 26781 in their names while showing themselves as the wife and son of above mentioned Tarlochan Singh. Sukhwinder Kaur-respondent No. 1 has stated that she married in the year 2012. This witness when examined as D.W.1 stated in her cross examination that Taro Rani -respondent No. 3 had three sons Tarlochan Singh, Jarnail Singh and Shashi are three brothers. Petitioner No. 1 married to Shashi Sharma whereas she married to Tarlochan Singh.

Learned counsel for the petitioners further contends that except the oral evidence given by D.W.1, this plea was never taken in the written statement.

To clarify that Taro Rani had two sons, the plaintiffs want to examine her as witness. Keeping in view this fact, the writ petition is partly allowed and order dated 24.09.2019 (P-1) is set aside and direction is being given to the trial Court to give one effective opportunity to the petitioner to examine Taro Rani.

October 31, 2019

G Arora

(RITU BAHRI)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No