

Mst. Laxmi Bai

Vs

Gulab Chand and Others

Civil Appeal No. 1759(N) of 1969

(Syed M. Fazal Ali, A.D. Koshol JJ)

28.03.1980

JUDGMENT

1. We have heard counsel for the parties and also have gone through judgments of the High Court and the trial court. We find that the property allotted to the appellant Mst. Laxmi Bai is disproportionate and inequitable. Taking an overall view of the situation we modify the decree of the High Court to this extent that the following more items shall be given to her :

1. Kuwawala, Holding No. 929 in Ward No. 7, the property described in the Schedule to the plaint as the first item (actually the plot number of this item is 929 as recorded in Municipal records).

2. Remaining portion of Holding Number 952 in Ward No. 7 after excluding the residential house of respondent 4 situate thereon with land appurtenant thereto within the boundary walls enclosing the said residential premises of respondent 4 (actually the plot number of this item is 952 as recorded in Municipal records).

2. The appeal is accordingly disposed of with the aforesaid modification without any order as to costs.

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