

## **Faridkot Ruler Property Dispute**

### **Why in news?**

The Punjab and Haryana High Court's judgment upheld the property rights of the women in the family of the last Maharaja of Faridkot.

### **Who was the last Maharaja of Faridkot?**

- Maharaja Harinder Singh Brar was the last ruler of Faridkot, who was born in 1915 and died in October 1989.
- His only son Harmohinder Singh, and his wife Rani Narinder Kaur had died earlier.
- At the time of his death, he was survived by his mother Mohinder Kaur, three daughters (Amrit Kaur, Deepinder Kaur and Mahipinder Kaur) and a brother, Kanwar Manjit Inder Singh.
- Of the three daughters, only the eldest Amrit Kaur (87) survives.
- The court ruling upholds her property rights and the rights of the heirs of the other women in the family, too.

### **What happened to the property?**

- The Faridkot state surrendered sovereignty and joined the Patiala and East Punjab States Union in 1948.
- So, the Maharaja was allowed to retain certain personal properties, spread over Faridkot, Chandigarh, Shimla and Delhi.
- When he died, his daughters had no inheritance rights, as was the norm under the feudal system.
- On the basis of a purported will dated June 1, 1982, Maharwal Khewaji Trust took over the property, estimated to be worth Rs 25,000 crore.
- Another London-based Trust - Grindlays Bank is its sole trustee - created by Brar was meant to provide for the three daughters.
- Deepinder Kaur and Mahipinder Kaur, held offices in this Trust as chairperson and vice-chairperson, in accordance with the 1982 will.
- Amrit Kaur was not part of the Trust.
- She was disinherited, allegedly for the reason that she had married against her father's wishes at the age of 18 in 1952.

### **What is the dispute about?**

- In 1992, Amrit Kaur challenged the 1982 will in a Chandigarh court.
- She sought one-third share in her father's property - with consequential benefit to her sisters - under the Hindu Succession Act, 1956.
- Later, she claimed the whole property citing certain clauses in the Raja of Faridkot's Estate Act, 1948.
- Kanwar Manjit Inder Singh, Brar's brother, also filed a suit that claimed the property, citing the Rule of Primogeniture.
- Deepinder Kaur and Mahipinder Kaur also questioned Amrit Kaur's claim and the will legally.
- In 2013, the Chandigarh court divided the property among the then two surviving daughters and declared the 1982 will as invalid.
- The matter then went to the lower appellate court.
- It upheld the decision in 2018, after which the case reached Punjab and Haryana High Court.

### **How did the High Court rule on the property?**

- The High Court not upheld the rights of the daughters and gave Brar's mother, who was alive when her son died, her share in the property.
- **Acts** - Amrit Kaur had laid claim to the whole property on the basis of Section 4(3) of the 1948 Act.
- This Act states that in absence of the male descendant or his legitimate descendants, the property would go to the nearest agnate (descendant from a male ancestor).
- The HC held that the 1948 Act was not an existing enactment at the time the Constitution came in force, and the matter would not be covered under The Hindu Succession Act, 1956 will not apply to any estate.
- This Act won't apply as the descends to a single heir by the terms of any agreement entered into by the Ruler of any Indian State with the Indian government or by terms of any law passed before its commencement.
- **Primogeniture Rule** - Kanwar Manjit Singh's argument regarding the applicability of the Rule of Primogeniture was also rejected by the HC.
- Under the rule, the eldest male child gets the inheritance on the death of the father.
- Since Brar had no surviving son, Manjit Singh argued the property must be given to him as he is the sole surviving male descendant from the line of his and Brar's father.
- The HC held that the rule ceased to exist on account of merger of Faridkot state with India.

### **How did the court rule on the will?**

- Amrit Kaur's argument was that her father was depressed on account of his

son's death in 1981 and others influenced him.

- She said that this has resulted in a fraud and misrepresentation in the form of the will.
- Forensic expert Dr Jassi Anand, who examined the will on her behalf, proved that the will had crude symptoms of forgery.
- The HC agreed with the lower court finding and held Anand has proved the forgery.

### **What are the other key aspects of the verdict?**

- The HC verdict validated a will made by Brar's mother, who in 1992 had bequeathed certain property to her other son Kanwar Manjit Singh's kin.
- The HC said she was alive at the time of death of her son and was his class-I heir.
- This makes her entitled to a share in her son's property in accordance with the Hindu Succession Act.
- The question of her share hadn't been directly raised in the case before.
- The will stated that her personal property would go to her granddaughter Devinder Kaur and grandson Bharat Inder Singh.
- Her will also states other than the mentioned property and estates, any other property or estate coming her way would be equally divided among Kanwar Manjit Singh, his son and daughter.
- The HC said her inheritance cannot remain in abeyance and her lawful share is subject matter of her 1990 will.

**Source: The Indian Express**

