

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

**RSA No.3557 of 2011 (O&M)
Date of decision:16.11.2015**

Nachhattar Dass and another ... Appellants

Vs.

Jagtar Dass and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. V.K.Shukla, Advocate
for the appellants.

Mr. N.S.Sodhi, Advocate
for respondent No.10.

AMIT RAWAL J. (Oral)

Challenge in the present appeal is to the concurrent findings of facts and law, whereby, the suit for declaration claiming 1/3rd share in the land measuring 40 kanals 11 marlas of Naranjan Dass, on the basis of the Will dated 05.04.1970, has been declined.

Mr. V.K.Shukla, learned counsel appearing on behalf of the appellants submits that Will has been proved through the testimony of witnesses but the Courts below have denied the same, thus, there is illegality and perversity in the findings rendered by both the Courts below.

I have heard learned counsel for the parties and

appraised the impugned judgments and decrees of the Courts below.

Section 63(c) of the Indian Succession Act specifically laid down that witnesses and testator shall sign in the presence of each other. In essence, testator should sign in the presence of the witnesses and witnesses under the directions of the testator. However, both the witnesses and testator have not stated the aforementioned fact. Thus, there is no compliance of the aforementioned provisions and the Courts below have relied upon the same.

In view of the aforementioned observations, I do not intend to differ with the findings rendered by both the Courts below, which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises to be adjudicated by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 16, 2015
savita