

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 1256 of 2013(O&M)
Date of decision : August 10, 2015

Nirmal Talwar

..... Appellant

Versus

Kiran Khanna and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Upender Prashar, Advocate
for the appellant.

Mr. Vikas Gupta, Advocate
for the respondents.

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?

Amit Rawal, J (oral).

This Regular Second Appeal at the instance of the appellant-defendant is directed against the judgment and decree of both the courts below whereby the suit of the respondents-plaintiffs had been decreed.

Learned counsel for the appellant submits that both the Courts below have committed illegality and perversity in decreeing the suit in as much the Will set up by the appellant-defendant has been disbelieved, though the same had been proved as per the requirement of law and the Will set up by respondents-plaintiffs whereby the deceased Harbans Lal has given equal shares has been accepted.

Learned counsel appearing on behalf of the respondent submits that the impugned judgment is based on the

appreciation of oral and documentary evidence and the Will set up by the appellant-defendant No.1 has rightly been disbelieved as the marginal witnesses did not support.

I have heard learned counsel for the parties and appraised the paper book.

The Will dated 26.12.1998 executed by late Harbans Lal bequeathing 1/8th share to all the legal representatives has been accepted by the Court below. It has been proved on record that even otherwise also had there been any Will by natural succession also, all the legal heirs who are eight in number would have got 1/8th share viz-a-viz property of the deceased Harbans Lal. The marginal witness did not prove the Will set up by defendant No.1.

Both the Courts below have rendered a finding of fact and law after appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

August 10 , 2015
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