

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 1513 of 2015 (O/M)
Date of decision : 7.12.2015

Dina through his LRs

..... Appellants

Versus

Mido and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Kumar Khubbar, Advocate,
for the appellants.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 10.9.2014, passed by the learned Additional District Judge, Chandigarh, affirming the judgment and decree dated 10.3.2011, passed by the learned Civil Judge (Junior Division), Chandigarh, vide which the suit of the plaintiff for permanent injunction, was dismissed.

I have heard the learned counsel for the appellants and have also carefully gone through the file.

It is not denied that the Will dated 15.8.2005, executed

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by Meharban, in favour of his wife defendant No. 1, namely, Mido, was challenged by the son of Meharban on the ground that under the Mohammedan Law, one cannot execute Will in favour of any person without taking the consent of all the legal heirs and that only $1/3^{\text{rd}}$ share can be given by way of Will. However, during the pendency of the appeal, Smt. Mido has also died intestate and the result would be that the property will go by natural succession, which would have the same effect as if there was no Will. There are concurrent findings of two Courts below. No substantial question of law arises in the present regular second appeal. Hence, the same is accordingly dismissed.

(KULDIP SINGH)
JUDGE

7.12.2015
sjks