

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

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**RSA No.2990 of 2015 (O&M)
Date of Decision:29.09.2015**

BEERO DEVI AND ORS.

... Appellants

Versus

SATBIR SINGH

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vijay Singh Kajla, Advocate
for the appellants.

RAJ MOHAN SINGH, J. (Oral)

[1]. Plaintiffs are in second appeal against the concurrent judgments and decrees passed by the Courts below in a suit for declaration and permanent injunction.

[2]. Plaintiffs filed the suit on the ground that they are owners in possession of 7/8th and 1/8th share and the Will dated 18.11.1996 executed in favour of defendant is null and void. Consequent mutation No.3216 dated 20.01.2001 has also been challenged. Budh Ram was the original owner who inherited the property from his father. He died on 29.11.2000. Plaintiff along with plaintiffs No.2 to 7 have inherited the estate left by Budh Ram to the extent of 7/8th and 1/8th share. The Will dated 18.11.1996 is claimed to be forged and fabricated.

[3]. Trial Court as well as Appellate Court have found as a matter of fact that the Will has been proved with reference to evidence and mandatory requirement. Budh Ram never cancelled the Will in question nor denied the factum of execution of Will. Plaintiff also did not dispute the thumb impression of deceased appearing on Will nor any evidence to this effect has been brought on record.

[4]. The only grievance of the appellant in the appeal is that the daughters have been ignored while executing the Will in question and therefore, Will should be taken to be surrounded by mysterious circumstances. The sole ground of disinheritance of daughters in Will is not a ground which will make the Will to be surrounded by mysterious circumstances. The Will is always meant to disinherit somebody who is likely to succeed in the absence of Will. The testimony of DW 1, Mr. P.C. Sharma, Advocate confirms that the testator was in good state of health at the time of execution of Will. Other ingredients of Will are duly proved on record.

[5]. In view of Mahesh Kumar (Dead) through L.Rs Vs. Vinod Kumar 2012(2) R.C.R. (Civil) 493 the ground of disinheritance of daughters cannot be treated to be a ground to nullify the fact of Will which is otherwise proved with reference to evidence on record. Will being registered document has been found to be duly executed by Budh Ram deceased of his free will and he was in sound and disposing mind at the time of execution of Will.

[6]. No question of law worth consideration of this Court is involved nor any substantial question has been pointed out rendering the judgments and decrees of the Courts below to be the result of misreading of evidence or having suffered with any perversity. Resultantly, this appeal is dismissed.

September 29, 2015
prince

(RAJ MOHAN SINGH)
JUDGE