

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

**RSA No.3435 of 2015 (O&M)**

**Date of decision:16.11.2015**

Mohinder Singh

... Appellant

Vs.

Kulwinder Singh 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. Amit Mehta, Advocate  
for the appellant.

**AMIT RAWAL J. (Oral)**

**C.M.No.8309-C of 2015**

For the reasons stated in the application, duly supported by an affidavit, delay of 09 days in filing the appeal, is condoned.

C. M. stands disposed of.

**C.M.No.8310-C of 2015**

For the reasons stated in the application, duly supported by an affidavit, delay of 28 days in re-filing the appeal, is condoned.

C. M. stands disposed of.

**RSA No.3435 of 2015 (O&M)**

The appellant-plaintiff is in Regular Second Appeal against the concurrent findings of facts and law, whereby, the suit for declaration claiming estate of Puran Singh on the basis of the Will

dated 11.02.1998, has been dismissed.

Mr. Amit Mehta, learned counsel appearing on behalf of the appellant-plaintiff submits that Labhu had two sons, namely, Puran Singh and Udham Singh. The controversy in the suit was with regard to share of Puran Singh, who died issueless. Puran Singh was married to Kartar Kaur and both of them died in the year 1998. Defendants claimed inheritance of Kartar Kaur and the same was challenged by the plaintiff, but could not succeed. The Will dated 11.02.1998 has been proved through the testimony of attesting witness PW3- Simerpal Kaur and Scribe and factum of signatures had been proved through the testimony of witnesses but aforementioned facts have not been noticed by the Courts below, while dismissing the suit and appeal, thus, there is illegality and perversity in the findings rendered by both the Courts below.

I have heard learned counsel for the appellant and appraised the impugned judgments and decrees of the Courts below.

It is a matter of record that plaintiff has contested the mutation of inheritance of Kartar Kaur deceased and filed an appeal in the Court of Collector, Jalandhar. Had the Will dated 11.02.1998 been in existence, the same could have been easily proved in those proceedings. The appeal aforementioned was filed on 13.11.1998. No explanation has come forth in not producing the Will and the said proceedings attained finality. Even through cross examination, it has come on record that a question was put to the plaintiff after how

much time Will EX.P1 was prepared after the death of Puran Singh and he feigned ignorance. In essence, he did not give specific answer that the Will was actually genuine and prepared prior to the death of deceased Puran Singh.

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