

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Regular Second Appeal No.3567 of 2015(O&M)

Date of decision: 20.11.2015

Manohar Lal and others

.....Appellants

versus

Paramjit Singh and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Pankaj Mahabir Chauhan, Advocate for the appellants

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Impugned in the present regular second appeal is the judgment and decree dated 6.5.2015, passed by the learned Additional District Judge, Kurukshetra, affirming the judgment and decree dated 17.4.2012, passed by the learned Civil Judge, Junior Division, Kurukshetra, vide which, suit of the plaintiff was decreed.

It comes out that the plaintiff-respondent herein had filed a suit for declaration and possession, claiming that he was adopted by Kashmiri Lal deceased in February 1974. He had also executed registered Will dated 1.3.1994 in favour of the plaintiff. Although, the Will was denied by the defendants. The evidence was also led to the

effect that Paramjit Singh plaintiff was living with Kashmiri Lal. The adoption was also denied by the defendants, who happen to be brothers and sisters of Kashmiri Lal deceased. Both the Courts below returned the findings that the registered Will is duly proved.

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

Learned counsel for the appellants has argued that the testimony of attesting witness of the Will Mukut Lal PW7 is not dependable since he was unable to tell certain material facts. He stated that he had not gone to the Tehsil office. He could not tell the name of the other attesting witness. He does not remember whether the Tehsildar has signed the Will Ex.P1 in his presence. However, the copy of the statement of Mukut Lal produced at the time of arguments shows that in examination-in-chief, he has clearly stated that the Will was executed in his presence and that he appended his signatures in the presence of other witness and the testator. Regarding his failure to remember certain facts, he has stated that the Will was executed 15 years back, therefore, he is unable to remember certain facts. He has clearly stated that Kashmiri Lal deceased was doing the business of hosiery and he is also doing the business of hosiery at Ludhiana. Therefore, they knew each other. The Will is duly registered. The other evidence is also led which shows that even if the adoption is not proved in strict terms but the fact remains that the plaintiff was living with the deceased and his wife who were issueless which lends support to the fact that the registered Will was executed by the deceased in favour of the plaintiff. There are concurrent findings of

facts of both the Courts below. No substantial question of law arises.

Hence, the present regular second appeal stands dismissed.

20.11.2015

gk

**(Kuldip Singh)
Judge**