

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

R.S.A.No.2427 of 2010 (O&M)

Date of Decision: March 17, 2016

Paramjit Singh

...Appellant

Versus

Surinder Kaur and others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

**Present: Mr.R.V.S.Chugh, Advocate,
for the appellant.**

**Mr.Pardeep Kumar, Advocate for
Mr.A.S.Cheema, Advocate,
for respondent Nos.1, 2 and 6 to 9.**

**Mr.Sunny Dhull, Advocate &
Mr.Namit Kumar, Advocate,
for respondent No.11.**

AMIT RAWAL, J.

Appellant-defendant is aggrieved of the judgment and decree rendered by the Lower Appellate Court, whereby the suit filed by the respondent-plaintiff claiming declaration, has been decreed and it has been held that all the legal heirs of Rajinder Kaur shall be entitled to succeed as per natural succession.

Mr.R.V.S.Chugh, learned counsel appearing on behalf of the appellant-defendant submits that Rajinder Kaur was owner of the property

and certain FDRs. She died on 6.1.2003. During her life time, she executed a registered Will dated 21.4.1998 (Ex.D1). The respondent-plaintiff, after her demise, instituted a suit and set up an unregistered Will dated 14.12.2002 (Ex.P2). The trial Court, on the basis of the oral and documentary evidence, discarded the Will dated 14.12.2002 on account of having been executed under suspicious circumstances and believed the registered Will. However, the Lower Appellate Court has disbelieved both the Wills, whereas on the contrary, registered Will has been proved through the testimony of attesting witnesses, much less scribe because the previous Will was required to be cancelled through a registered document and urges this Court to formulate the substantial questions of law.

Mr.Pardeep Kumar, learned counsel appearing on behalf of respondent Nos.1, 2 and 6 to 9 and Mr.Sunny Dhull and Mr.Namit Kumar, learned counsel appearing on behalf of respondent No.11 submit that there is no illegality and perversity in the judgment and decree, whereby both the Wills have been discarded and there is no challenge to the same and, thus, pray for dismissal of the appeal.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the observations of the Lower Appellate Court are based upon the principles of equity for the reason that in the Will dated 21.4.1998, there is interpolation of words from “Potra” to “Ladka”, whereas in the other Will there is lot of space, but the Lower Appellate Court discarded both the Wills having alleged to have been executed under suspicious circumstances. The Lower Appellate Court held that all the natural heirs of Rajinder Kaur would succeed by way of natural succession.

It is the said finding, which, in my view is most fair and justified. I do not

intend to differ with the findings rendered by the Lower Appellate Court, much less no substantial question of law arises for determination.

The appeal is accordingly dismissed.

This Court, vide order dated 9.5.2014, imposed costs of ₹500/- on respondent Nos.1, 2 and 6 to 9, to be deposited with the State Legal Services Authority, Punjab. As per the office report, the same has not been deposited . This order will come in force on deposit of the costs.

March 17 , 2016
ramesh

(AMIT RAWAL)
JUDGE