

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

RSA No.2162 of 2016 (O&M)

Date of decision : 13.07.2016

Tej Kaur @ Bai

...Appellant

Versus

Buta 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. Sudhir Aggarwal, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is aggrieved of the dismissal of the suit claiming the right in the property of the father Sham Singh by challenging the Will dated 21.03.2001 alleged to have been executed in favour of his sons.

Mr. Sudhir Aggarwal, learned counsel appearing on behalf of the appellant submits that appellant had 1/4th share each in the property. Sham Singh died intestate leaving behind his LRs. However the defendant propounded the Will but it suffered from suspicious circumstances.

Both the Courts below have failed to advert to the evidence and the witnesses as there was no compliance of the provision of Section 68

of Indian Evidence Act, thus, urges this Court for formulation of the substantial questions of law as culled out in the grounds of appeal.

I have heard learned counsel for the appellant and appraised the paper book.

Will, aforementioned, is registered Will and it is a matter of record that it was self-acquired property of Sham Singh. In his wisdom, he bequeathed the property in favour of his three sons. Even married daughters would not have any right in the property. Will has been proved through the testimony of the witnesses who had deposed in terms of Section 68 of the Indian Evidence Act and Section 63(c) of the Indian Succession Act. In fact the plaintiff has failed to disprove the Will and rightly so, it has been upheld.

The findings rendered by the Courts below do not warrants any interference as the same has been based upon the appreciation of the oral and documentary evidence, much less, no substantial questions of law arises for determination by this Court.

Dismissed.

13.07.2016

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**(AMIT RAWAL)
JUDGE**