

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

RSA No.4672 of 2015 (O&M)

Date of decision : 12.01.2016

Gurbinder Singh and another

...Appellants

Versus

Darshan Kaur and ors.

...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. Ashish Gupta, Advocate for the appellants.

AMIT RAWAL, J. (Oral)

CM No.11247-C of 2015

For the reasons stated in the application, which is duly supported by an affidavit, delay of 33 days in refiling the present appeal is condoned.

Application stands disposed of.

Main Case

The appellants-defendants are in Regular Second Appeal against the concurrent findings of fact, whereby claim with regard to succession to the estate of Surjit Kaur by way of natural succession, has been decreed.

Mr. Ashish Gupta, learned counsel appearing on behalf of appellants-defendants submits, that Surjit Kaur (deceased) had executed a Will dated 07.10.1996 by bequeathing her entire property both moveable and immoveable situated at Village Romana Albel Singh in their favour and, therefore, respondent-plaintiffs did not have any right by way of natural succession. The Will aforementioned has been proved through the testimony of scribe and witness but yet the same has been discarded and thus there is illegality and perversity.

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

The respondents-plaintiffs are natural heirs of Surjit Kaur whereas appellants-defendants are nephews of Surjit Kaur. The Will does not conform to the provision of Section 63-C of the Indian Succession Act, much less, witness to the Will have not been able to withstand the cross-examination, in essence, they have not equanimous. The Court while relying upon the aforementioned provision of Section 63-C discarded the Will by holding that it is surrounded by suspicious circumstances.

I do not intend to differ with the findings rendered by both the Courts below, based upon appreciation of both oral and documentary evidence, much less, no substantial question of law arises for determination by this Court.

Appeal is dismissed.

12.01.2016

pawan

**(AMIT RAWAL)
JUDGE**