

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

RSA No.3527 of 2014 (O&M)

Date of decision : 28.04.2016

Simranjit Kaur and another

...Appellants

Versus

Surjit Kaur 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. Ishwar Lal, Advocate for the appellants.

AMIT RAWAL, J. (Oral)

The appellants-plaintiffs are aggrieved of the concurrent findings of fact, whereby suit for declaration challenging the gift deed dated 22.08.2005 and the Will dated 26.08.2008, has been dismissed.

Mr. Ishwar Lal, learned counsel appearing on behalf of appellants submits that plaintiffs are daughters of Gurcharan Singh son of Inder Singh-defendant No.4. Suit was instituted against grandmother and uncle i.e. sons of Inder Singh as there was dispute between their mother and Gurcharan Singh and ordered to deprive the share and right in the property owned by Inder Singh. Inder Singh during his lifetime, executed the gift deed dated 22.08.2005 in favour of other two sons excluding Gurcharan

Singh. He died on 16.10.2008. Prior to that, he also executed Will dated 26.08.2008. Both the Courts below have non-suited the appellants-plaintiffs for having not examining any expert getting the signatures and thumb impression of Inder Singh and thus, seeks the indulgence of this Court for granting permission by moving miscellaneous application bearing No.736-C of 2015 under provision of Order 41 Rule 27.

I have heard learned counsel for the appellants and appraised the paper book and of the view that in my view suit ex facie filed on 29.04.2010 challenging the gift deed dated 22.08.2005 was time barred. Limitation to seek declaration is three years. Inder Singh died on 16.10.2008. The rights crystallized before his death. Will was with regard to some other property. Beneficiary of the same are defendant Nos.1 and 2. On the contrary, the respondents-defendants have proved the execution of the Will as per the provision of Section 68 of the Indian Evidence Act and Section 63(c) of the Indian Succession Act, whereas the signatures and thumb impression of the Inder Singh have not been disproved.

In view of the aforementioned facts and circumstances, Courts below had no occasion to decree the suit.

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

Appeal stands dismissed.

28.04.2016

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**(AMIT RAWAL)
JUDGE**