

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

RSA No.6315 of 2014
Date of decision : 27.10.2016

Fauja Singh (deceased) through LRs

...Appellant

Versus

Nirmal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Anupam Singla, Advocate for the appellant.

Ms. Gurnam Kaur Turka, Advocate
for respondent Nos.1 to 4, 7 and 29.

Mr. P.S. Bhangu, Advocate for respondent Nos.25 to 28.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff (LRs of Fauja Singh) are aggrieved of the concurrent findings of fact, whereby suit seeking inheritance of the estate of the deceased Fauja Singh on the basis of the Will dated 23.03.1967, has been rejected on the premise that attesting witnesses of will have not been proved the same.

Mr. Anupam Singla, learned counsel appearing on behalf of appellant submits that Pritam Singh had two sons Fauja Singh and Gurnam Singh. Appellants are the LRs of Fauja Singh. In the absence of the Will, Court ought to have rendered the findings with regard to the inheritance of the estate by way of natural succession as there is no dispute to the

parentage.

Mr. P.S. Bhangu, learned counsel appearing on behalf of respondent(s) submits that no such relief could have been granted as foundation of the suit was only on the basis of the Will.

I have heard learned counsel for parties and appraised the paper book and of the view that once the Court had arrived at findings that the appellant-plaintiff being LR's of Fauja Singh and Fauja Singh and Gurnam Singh son of Pritam Singh, the Court ought to have rendered findings to succeed the estate by way of natural succession. Having failed to do so, I am of the view that the judgment and decree of the Courts below are modified to the extent that suit of the appellant-plaintiff qua declaration and possession on the basis of the Will is rejected and estate of Pritam Singh would be inherited by way of natural succession.

With the aforementioned observation, no further order is required to be passed.

Appeal stands disposed of.

27.10.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No