

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.1834 of 2006(O&M)

Date of Decision:-13.07.2017

Lalita Rani.

.....Appellant.

Versus

Chetan Parkash (since expired) through Lrs Tilak Raj Sharma & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- None for the Appellant.

JASWANT SINGH, J. (ORAL)

The dispute in the present appeal is regarding the grant of Succession Certificate in respect of two stated FDRs i.e. (i) *for an amount of Rs.10,700/-* & (ii) *for an amount of Rs.8964/-* upon death of Smt. Bhagwani Devi between here nephew Chetan Parkash and the relatives from the side of her late husband Tulsi Dass.

Upon death of Smt. Bhagwani Devi on 28.10.1983 at the age of 92 years without any Class-I Legal Heir, Chetan Parkash filed a petition under Section 276 of the Indian Succession Act for grant of Succession Certificate in respect of the two aforestated FDRs based on a registered Will dated 26.11.1980 in his favour.

On the other hand the families of Gangadhar and Hoshiari Lal, who are the nephews of Tulsi Dass contested the claim on the basis of unregistered Will dated 15.10.1983 set up by them.

The learned Additional Civil Judge(Sr. Divn.), Hisar vide judgment dated 23.02.2006 found that Chetan Parkash was entitled to the grant of succession certificate qua the two FDRs as the Will dated 26.11.1980 was duly proved, whereas the unregistered Will dated

15.10.1983 (Ex.R-2) was discarded being surrounded by suspicious circumstances.

The present appeal thus was filed by Lalita Rani widow of Gangadhar being the beneficiary of the two stated FDRs based on the Will dated 15.10.1983. It was asserted that Chetan Parkash based on the Will dated 26.11.1980 in his favour had filed many suits which were dismissed as Will could not be proved. It is further stated that based on the unregistered Will dated 15.10.1983 beneficiaries qua 271 Kanals of agricultural land had succeeded to obtain title and mutation also had been effected.

This Court while issuing notice of motion vide order dated 28.04.2006 had ordered the stay of the operation of the impugned judgment dated 23.02.2006.

Since Chetan Parkash had died his Lrs were impleaded as respondent nos.1 to 5.

Perusal of the orders reveals that todate all the respondents including the Lrs of Chetan Parkash have remain unserved due to non furnishing of the correct addresses inspite of availing innumerable numbers. In fact the counsel for the appellant had made statement at the Bar that nobody is coming forward to appear on behalf of the appellant to do the needful, leading to the counsel withdrawing from the case, as is apparent from the order dated 27.11.2008.

Position remains the same today.

In view of the above, present first appeal is hereby dismissed for want of prosecution.

(JASWANT SINGH)
JUDGE

July 13, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>