

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

RSA No.2863 of 2015 (O & M)
Date of decision :14.09.2017

Iqbal Singh and another

...Appellants

Versus

Sukhpal Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jasmail Singh Brar, Advocate
for the appellants.

ANIL KSHETARPAL, J. (Oral)

Defendants are in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

Dispute in the present case is with regard to estate of late Shri Makhan Singh @ Hakam Singh, who died on 20.11.1999. It is the case of the defendant-appellant that he left behind an unregistered Will dated 18.09.1999 bequeathing his property in favour of his two sons and a small portion towards his widow. However, daughter was excluded. Daughter is the plaintiff.

There is a concurrent finding of fact that the Will has neither been proved in accordance with the provisions of Section 68 nor Section 69 of the Evidence Act.

Learned counsel for the appellant has vehemently argued that although none of the attesting witness has been examined, however, the signatures of the testator are proved by the evidence of an expert. He has further submitted that the thumb impression of one of the attesting witness was sought to be proved by producing another sale deed. One of the attesting

regard to the second attesting witness, no evidence has been brought on file. Only allegation is that his whereabouts are not known. Defendant-appellant has not produced any evidence on record to prove this fact.

Since the Will has neither been proved in accordance with Sections 68 nor with Section 69 of the Evidence Act, I do not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Hence, the Regular Second Appeal is dismissed.

14.09.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No