

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

**RSA No. 4327 of 2016 (O&M)
Date of Decision:26.7.2017**

Sukhdev Singh

... Appellant

Versus

Gurmit Kaur and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.BBS Randhawa, Advocate for the appellant

RAJIV NARAIN RAINA, J.

1. The plaintiffs, the respondents herein had filed a suit for declaration and permanent injunction against the defendants, the present appellants. The first appellant staked his claim on the basis of a second testamentary will, Ex.D-1. I have seen the original laminated will Ex.D-1 produced by the counsel at the hearing which is an unregistered will attributed to testator Sukhdev Singh a copy of which was produced on record on 21st April, 2015 during the trial after Court had seen the original.

2. I am convinced that this will propounded by defendants bears a clear interpolation by over writing materially altering the date of the will. It appears plain to the naked eye that the second “9” has been converted to read “7”. It is such a clumsy job bordering on criminal or fraudulent act to seek unjust enrichment. The result of which is extremely drastic if accepted as it would pre-date the will from 16.12.1997 to 16.12.1977 to suit the unholy defence of the defendants and their rightful claim over the suit property.

3. This is what the courts below have exactly found and have concurrently agreed to hold and quite properly so, that no legal weightage can be attached to the said unregistered will as evidence of title, and therefore, there is nothing left to be heard or determined in second appeal. It is not possible for this Court to interfere with the perfectly sound concurrent findings on law and facts recorded by the courts below with accompanying reasons. The judgments and decrees of the courts below do not suffer from any infirmity or a gross misreading of evidence so as to inspire interference by this Court in any of its jurisdictions. No question of law, much less a substantial one, arises for consideration in this appeal.

4. For the foregoing reasons, this appeal is held to be vexatious and merits dismissal. It is so ordered in limine.

26.7.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No