

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

RSA No.4620 of 2015 (O&M)

Date of decision : 11.10.2017

Dhoop Singh

...Appellant

Versus

Smt. Taro and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K. Hooda, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.11182-C of 2015

For the reasons recorded in the application, which is duly supported by an affidavit, delay of 30 days in refiling the appeal is condoned.

Application is allowed.

Main Case

The defendant No.1-appellant is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

The dispute in the present case is with regard to the estate of one Sh. Suraj Mal @ Suraj Bhan. The defendant No.1-appellant had setup unregistered Will dated 23.12.2009. Both the Courts below after appreciation of the evidence, have found that the Will is surrounded by suspicious circumstances which have remained unexplained. The Courts

below have noticed following suspicious circumstances:-

1. The Will is allegedly signed by Suraj Bhan, although he was totally illiterate.
2. Right hand of Executant was amputated which is admitted fact.
3. No provision has been made for Chhotti, one of the daughter, who was also one of the plaintiff, was unmarried at the time of the death.
4. Suraj Mal @ Suraj Bhan was admitted in the hospital on 21.12.2009 whereas the alleged Will is dated 23.12.2009.

I have heard learned counsel for the appellant at length and with his able assistance gone through the judgments passed by the Courts below.

Both the Courts below after appreciating the evidence available on the file recorded a finding of fact which is not shown to be perverse.

I have even seen the photocopy of the Will. The Will does not inspire confidence of the Court with respect to its genuineness.

In these circumstances, I do not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Regular Second Appeal is dismissed.

11.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No