

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

**RSA No. 5190 of 2017
Date of decision : 16.11.2017**

Inderpal Singh ...Appellant
versus

Jagir Kaur and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Tushar Sharma, Advocate
for the appellant.

RITU BAHRI, J. (Oral)

This regular second appeal is directed against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiff-appellant (herein after to be referred as 'the appellant') has been dismissed.

The case of the appellant before the Courts below is that the property is an ancestral joint hindu family property and Shri Mohar Singh had no right to execute a will qua the said property. The grandfather of the appellant was allotted 12 acres of land in village Dabri after the partition of country and it is from the income of this land, the suit property was purchased.

A bare perusal of the judgments of the Courts below that the suit of the appellant has been dismissed on the ground that the will in question was duly executed by late Sh. Mohar Singh as D.W.2 had brought the record of registered will from the office of Sub Registrar Karnal.

Thereafter, Sher Singh deed writer has been examined as Deed Writer who had drafted the will in question. Then Paramvir Singh who is the attesting witness to the will has been examined as D.W.4 and he has duly proved the execution of the will. Prem Chander Numberdar who was the second attesting witness of the will was examined as D.W.5.

Learned counsel for the appellant has argued that the suit of the appellant has wrongly been dismissed by both the Courts below as there was discrepancy in the statement of D.W.2 to D.W.5 and the statement of these witnesses are not consistent. Thus, the execution of the will was not proved by the respondents.

This argument of learned counsel for the appellant is liable to be rejected as the will has been duly proved on the case by examination of both the attesting witnesses as well as the deed writer. Further the will is a registered will and has been duly executed. Mohar Singh since deceased has executed the impugned will in favour of his daughters to look after his wife Parvinder Kaur and his handicapped son.

Accordingly, the concurrent findings of facts recorded by both the Courts below does not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

16.11.2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No