

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

132

RSA No.5810 of 2017 (O & M)
Date of Decision:19.12.2017

Bhupinder Singh

...Appellant

Versus

Santokh Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kirpal Singh Ahluwalia, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-appellant is in the regular second appeal against the judgment passed by the learned Additional District Judge, Mohali.

Dispute in the present case is with regard to the estate of Masta Singh.

Defendant set up a registered Will dated 19.05.1986 executed by late Shri Masta Singh in favour of Jagar Singh, his son.

In the learned trial Court, original registered Will could not be produced. However, before the learned First Appellate Court the original Will was produced.

It is not in dispute that both the attesting witnesses had died, however, the Will was proved through the statement of Baljinder Singh grand-son of Gurnam Singh real brother of Nasib Singh, the attesting witness. Court has further relied upon the proceedings before the revenue authorities for sanction of the mutation wherein one of the attesting witness Nasib Singh had appeared and proved the Will.

The Will is registered with the Sub-Registrar and has been proved in accordance with the provisions of Section 69 of the Evidence Act.

I have heard learned counsel for the appellant at length and with his able assistance gone through the judgments passed by the learned trial Court as well as learned First Appellate Court.

Learned counsel for the appellant could not point out any misreading or non-reading of evidence, while arriving at a finding of fact by the learned First Appellate Court.

In view thereof, there is no scope for interference.

Hence, this regular second appeal is dismissed.

19.12.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No