

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

331

**RSA No.1224 of 1989 (O&M)
Date of Decision : 10.10.2018**

Atma Ram

Appellant

Vs.

The State of Punjab and others

Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.G.Chaudhary, Advocate
for the appellant.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Harsh Manocha, Advocate
for respondents No.3, 4 & 5.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant wherein he had claimed the service benefits of one Mohinder Singh S/o Gyan Singh, Peon on the ground that Mohinder Singh had executed a Will in his favour out of love and affection. The persons against whom he was claiming were the real brothers and nephews of the deceased. They stated that in his papers he had nominated them and further that the will propounded by the appellant was a forged and fictitious document.

Both the Courts below held that the appellant was not able to prove the Will. The Courts below also found that in an earlier petition filed for succession by the brothers and nephew also the appellant had

propounded the same Will which was disbelieved and succession certificate granted. The Courts below found that even the original Will was not produced. Further the Courts below found that the deceased was a subordinate of the appellant in the same office. They further found that the Will did not even mention the brothers and nephew. It was further found that the appellant had taken an active part in the execution of the Will.

Counsel has not been able to show how these findings are so perverse or based on no evidence as to render them liable for interference in second appeal.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

10.10.2018

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No