

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

**RSA No.1610 of 2012 (O&M)
Date of Order:31.10.2018**

Gurnam Kaur

..Appellant

Versus

Jaswinder Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanwal Goyal, Advocate,
for the appellant.

Mr. G.S.Nagra, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the judgment passed by the learned first appellate court reversing the judgment and decree passed by the learned trial court.

Disputed in the present case is with respect to estate of Sucha Singh. Plaintiff-appellant Gurnam Kaur claims the property as a widow being Class-1 heir, whereas defendants are daughters from marriage of Darshan Kaur with Sucha Singh.

Learned first appellate court has found that Gurnam Kaur has apart from the oral evidence produced no document to prove that she is second wife of Sucha Singh. Apart therefrom, registered Will in favour of the daughters dated 03.06.1998 has been proved on the file by examining attesting witness Dilbagh Singh, as DW1 and scribe Kuldeep Singh as DW4 apart from examining official from the registration office. It has also come

in evidence that previously sons of Kewal Singh, who was brother of Sucha Singh had filed a suit, which was dismissed on 10.11.2000. It has also come in evidence that entire revenue record/documentary evidence produced on the file, has also been obtained/arranged by Kewal Singh. Learned first appellate court has found that it is in fact Kewal Singh who is behind this litigation.

Learned counsel for the appellant, although, made sincere attempt, however, could not persuade this court to take a different view than what has been formed by the learned first appellate court. Learned first appellate court has given cogent reasons for reversing the judgment of the learned trial court. The trial court had ignored the Will on the ground that the Will is surrounded by suspicious circumstances whereas the learned first appellate court has found that the aforesaid alleged suspicious circumstances do not exist and a registered Will cannot be ignored merely on the basis of conjectures and surmises.

Still further it has been found that the plaintiff while filing the suit had concealed material facts as she was already married to one Bhula Singh, having four children from him.

Keeping in view the aforesaid facts, this court does not find any good ground to interfere with the findings of fact arrived at by the learned first appellate court.

The regular second appeal is dismissed.

October 31, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No