

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

106

RSA No.2608 of 2012 (O & M)
Date of Decision:04.04.2018

Sudarshan Kumar and another

...Appellants

Versus

Sohan Lal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhilaksh Grover, Advocate for
Mr. Vikas Bahl, Senior Advocate
for the appellants.

Mr. B.R. Rana, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

Plaintiffs-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Dispute in the present case is with regard to the estate of Amar Chand, common ancestor of the parties, who died on 12.03.1986. Amar Chand executed a registered Will-testamentary document on 05.10.1982 distributing agricultural land equally among his four sons. However, subsequently he executed another unregistered Will on 01.04.1983 bequeathing his entire agricultural land in favour of Sohan Lal, the only son who was residing with him. Will dated 01.04.1983 has been proved in accordance with Section 68 of the Evidence Act as attesting witness Baldev Krishan has been examined. It has also come in evidence that Amar Chand used to work as a professional scribe in the Tehsil premises. In the Will dated 01.04.1983, deceased Amar Chand while executing the Will had stated that Kapil Dev, his son resides in Bombay whereas Krishan Kumar

earlier used to reside in Calcutta is presently residing at Dehradun. It is also not in dispute that Sohan Lal only use to stay with late Sh. Amar Chand.

Both the Courts have examined the evidence available on the file and have held that the Will dated 01.04.1983 is the last Will executed by testator and proved on file. Although, learned counsel for the appellants made serious attempt to project various suspicious circumstances like the second Will being unregistered through which entire agricultural land having been given to one son to the exclusion of the other sons without assigning any reason, however, this Court does not find that such circumstances can be considered as sufficient circumstances for disbelieving a testamentary document particularly when it is not disputed that Sohan Lal, the beneficiary of the Will dated 01.04.1983 used to reside with Amar Chand. In the Will dated 01.04.1983, it is further mentioned by the testator that he is being provided meals by Sohan Lal only.

In view of the aforesaid, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Regular second appeal is dismissed.

04.04.2018
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(ANIL KSHETARPAL)
JUDGE

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