

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

RSA No.1908 of 2016 (O&M)

Date of decision:06.12.2018

Darshan Singh

... Appellant

Vs.

Bachan Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Kamal Narula, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-defendant has not been successful in defending the suit filed by the plaintiffs claiming 1/3 share out of land measuring 39 kanals 11 marlas regarding the estate of common ancestor, Labh Singh.

It was alleged that Labh Singh has two sons, Bachan Singh and Darshan Singh and one daughter-Taro Bai. Taro Bai died and plaintiffs no.2 and 3 are the children of Taro Bai. Labh Singh is stated to have died intestate. The defendant propounded the Will dated 02.07.2008 on the premise that out of love and affection and his place of last abode executed the Will in his favour.

The trial Court decreed the suit and the appeal taken before the Lower Appellate Court was also dismissed.

Mr. Kamal Narula, learned counsel appearing on behalf of the appellant-defendant submitted that in view of the Will, claim of the plaintiff

was liable to be rejected having died intestate.

I am afraid the aforementioned argument is not sustainable, for, the appellant-defendant did not prove the Will, in accordance with law as no attesting witness of the Will has been examined. In such circumstances, the decree holding Labh Singh to have died intestate is the correct view and decision, cannot be faulted with.

No ground is made out for interference in the impugned judgments and decrees.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 06, 2018
savita

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