

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

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**RSA-2172-2016 (O&M)
Date of Decision : 24.09.2018**

Darshana Devi Appellant

Versus

Smt. Samitri Devi and others Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Rai Singh Chauhan, Advocate
for the appellant.

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 she had claimed that in fact her father had executed a valid Will in her favour and in favour of another sister to the exclusion of his second wife, their two sons and one daughter.

It was the case of the appellant that she had gone to her father for a routine usual visit and she found him very sick and he begged her to take him away if she wanted to see him alive for some more days since his second wife and children were not looking after him. Thereupon the appellant took away her father and tried to give him the best care possible. Ultimately his condition deteriorated and he was taken to Delhi and got admitted to Safdar Jung Hospital on 04.05.1996 where he died on 21.05.1996 but on 09.05.1996 he executed a Will in their favour. Both the courts below noticed that the Will was shrouded with suspicious circumstances. The first and the most strange thing was

that the Will was propounded after 9 years. There is no explanation why the appellant chose to remain silent even though the property of her father was mutated as per intestate succession which was also in her knowledge. The courts below also noticed that the signatures of the testator on the Will on pages No.1 & 2 were made horizontally and not laterally as is normally done. The courts below also noticed that two witnesses gave discrepant statements. The courts below also noticed that as per the appellant the Will was executed in the house of the second sister (who lived in Delhi) but actually the deceased was admitted in hospital.

Counsel for the appellant has not been able to persuade me that the findings of fact recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify interference of this Court in second appeal.

Appeal is dismissed. No costs.

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

September 24, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No