

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

110

**RSA No.2705 of 2016
Date of Decision : 04.10.2018**

Sarwan Singh

..... Appellant

Versus

Atma Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ramesh Sharma, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit for declaration and permanent injunction filed by him in which he had alleged that he had inherited the property in dispute by way of Will dated 14.07.1993 executed by Surain Singh qua in Village Aujla Banwali. The respondents-his brothers contested the suit by denying the execution of the Will.

Both the Courts below held that the only surviving witness DW-2 Bakshish Singh did not support the Will. Even the appellant himself could not depose as to who had scribed the Will, which place it was scribed or whether it was registered or an un-registered. Even the scribe stated that he did not know the executor or the witnesses. The

Courts below have also found that no reason was given by father of the appellant, why he wanted to make a differential bequest of his property.

In the totality of circumstances, I am not persuaded 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 the interference of this Court in second appeal.

Appeal stands dismissed.

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

04.10.2018

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No