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

**RSA-5008-2013
Date of Decision : 02.11.2018**

Mukesh Devi and another

.....Appellants

Versus

Wazir Chand and Others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.S.Sangwan, Advocate
for the appellants.

Mr. Sumit Sangwan, Advocate
for respondents.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below dismissing the suit filed by the appellants challenging a Will made by her father-in-law in favour of his other three sons. The appellant was the wife of a pre-deceased son and her whole case was that the Will was suspicious document. On the other hand, the case of the respondents was that the Will was genuine. It may be mentioned here that the Will is a registered Will and one of the attesting witness had duly appeared and both the courts having dismissed the suit, the appellants have come before this Court.

Learned counsel for the appellants has argued that one of the important indicators to hold that the Will was surrounded by suspicious circumstances were given in the judgment at page 47 to the following effect:-

“The disposition may be unnatural, improbably or unfair

in the light of relevant circumstances like exclusion of or absence of adequate provisions for the natural heirs without any reason.”

Learned counsel has argued that in the Will in question no reasons have been mentioned for excluding the wife and daughter of a pre-deceased son. Learned counsel for the appellants has further argued that the Court has attributed non existent reasons viz the alleged Karewa marriage of the appellant No.1. To my mind, the Karewa marriage is neither here nor there. There can be many circumstances surrounding a Will which may be suspicious but it is never wise to look at only one isolated fact. The Will in question is a registered Will; one of the witnesses has deposed in its favour and no substantive evidence was led that the testator was suffering from some disability.

In the totality of the circumstance, I am not persuaded to hold that the finding of the Courts below are either based on no evidence or on such perverse misreading of the evidence so as to justify interference of this Court in second appeal.

The appeal is dismissed.

Since, the main case is decided, pending application if any, stands disposed of.

(AJAY TEWARI)
JUDGE

November 02, 2018

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No