

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

**RSA No.3659 of 2016 (O&M)
Date of Decision.04.12.2018**

Inder Singh @ Joginder Singh

....Appellant

Vs

Teja Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Harpreet Singh Jakhal, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in claiming declaration qua 1/5th share in the suit land against his brothers by laying challenge to the Will dated 20.07.2005 executed by the father in favour of defendants No.1 and 2.

Learned counsel appearing for the appellant submitted that the defendants in order to prove the Will examined attesting witness DW1 Kashmir Singh and DW2 Gian Chand scribe. Though Kashmir Singh stated that both the beneficiaries were not present but the scribe in other words stated that beneficiaries were present. This was itself a suspicious circumstance to discard the Will and in the absence of the Will, property ought to have been devolved as per natural succession.

I am afraid aforementioned argument is not sustainable as registered Will has been proved through the testimony of Jumma Singh. One line here and there in the cross-examination would not make much difference as statements of both the witnesses have to be

seen together. Plaintiff had failed to establish the suspicious circumstance attempted to be raised in this Court. In the absence of any testamentary document, plaintiff cannot be granted 1/5th share as claimed.

As an upshot of my finding, the concurrent finding of fact and law arrived at by both the Courts below cannot be said to be faulted with, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 04, 2018

Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No