

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

**(1) RSA No.3768 of 2016 (O&M)
Date of Order: 06.08.2018**

Paramjit Kaur

..Appellant

Versus

Kartar Kaur and others

..Respondents

(2) RSA No.4611 of 2016 (O&M)

Paramjit Kaur and others

..Appellants

Versus

Kartar Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Brijeshwar Singh Bhalla, Advocate,
for the appellant

ANIL KSHETARPAL, J(Oral)

These two appeals shall stand decided by a common judgment as facts and parties are common and the learned trial court as well as the learned first appellate court decided these two suits by a consolidated judgment.

Defendant-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below. Appellant is plaintiff in one suit and defendant no.4 in other suit.

Dispute in the present case is with regard to the estate of Banta Singh @ Bant Singh, who died issueless on 18.03.2006. His sisters Kartar Kaur and Gurdial Kaur claimed the property being Class-II heirs in preference to children of Piara Singh, brother of Banta Singh.

The appellant and Banta Singh defended the suit, pleaded that Banta Singh had executed a Will (testament) in their favour on 26.12.2005.

Both the courts below on appreciation of evidence have found that the Will is surrounded by suspicious circumstances. The Will (testament) is unregistered. The courts after examining the testament and comparing the signatures of the testator on various other documents have found that the signature are entirely different. On the testament, the signature are with free flow of pen whereas Banta Singh for number of years used to sign with shaky hands. The signatures which have been compared are with respect to bank account maintained and operated by Banta Singh @ Bant Singh. Sill further courts have also relied upon a report of the Finger Print and Hand Writing Expert in this regard.

Learned counsel for the appellant has been heard at length and with his able assistance gone through the judgments and the record.

Learned counsel for the appellant could not dispute that the respondents Kartar Kaur and Gurdial Kaur are having preferential rights being in the first entry of Schedule-II attached to the Hindu Succession Act. Learned counsel further could not bring to the notice of this court any error in the findings of the courts below with regard to the alleged testament executed by Banta Singh @ Bant Singh.

In view thereof, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

August 06, 2018

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No