

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

RSA No.4254 of 2016 (O&M)

Date of Decision.04.12.2018

Rajinder Kaur

....Appellant

Vs

Rameshwar Dass (now deceased) through LRs

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. J.S. Virk, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in laying claim to the estate of Joginder Singh, her father, who died on 18.08.2003 as well as mutation effected in favour of defendant No.1 on the basis of the registered Will dated 3.7.2000.

Mr. Virk, learned counsel appearing on behalf of the appellant submitted that Joginder Singh died intestate and the Will was suffering from suspicious circumstance as deed writer DW3 was not consistent in the cross-examination, as he failed to bring on record register with regard to entry of the Will. Joginder Singh never resided with the defendants. Defendants played fraud upon Joginder Singh, who was not in his senses at the time of execution of the Will.

I am afraid aforementioned arguments are not sustainable, as assistance of expert was not taken to belie the thumb impression of Joginder Singh on the Will. It is a disgruntled daughter, who on the one hand had tied *rakhi* to her brother and on

the other, dragged him to litigation. The succession opened on demise of Joginder Singh in 2003. There was no amendment in Section 6 of the Hindu Succession Act and therefore, married or unmarried daughter could not stake claim in the estate of her father.

All these factors had weighed in the mind of the Courts below to arrived at the concurrent finding of fact, which cannot be faulted with. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 04, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No