

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

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RSA No.3564 of 2015
Date of Decision:12.02.2018

Jaswant Singh @ Pappu

...Petitioner

Versus

Jagjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Batra, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

Defendant-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Dispute in the present case is with regard to the estate of Pritam Singh, who died on 03.01.2006. He had executed a registered Will dated 14.06.2000 in favour of the plaintiff. Defendants denied the aforesaid Will. The registered Will has been proved by examining both the attesting witnesses i.e. Tarlok Singh and Satpal Singh son of Pritam Singh. Gurdev Singh, who scribed the Will, has also been examined as PW-3.

Both the Courts after appreciation of evidence have recorded a concurrent finding that the execution of the Will is proved on file.

I have heard learned counsel for the appellant at length and with his able assistance gone through the judgments passed by both the Courts below.

Learned counsel for the appellant has vehemently argued that Pritam Singh while executing the Will dated 14.06.2000 did not give any reason as to why he was bequeathing the property only in favour of the

plaintiff and not in favour of other defendants. He submits that this is a major suspicious circumstance and, therefore, Will ought to have been ignored by the Courts below.

As noticed earlier, the Will is a registered Will. Execution of the Will has been proved in accordance with the provisions of Section 68 of the Evidence Act. A registered Will cannot solely be ignored only on the ground that the testator has failed to give reason for not bequeathing his property in favour of his other natural heirs. A testamentary document is always executed to make a deviation in the natural succession. If the testator wanted to give the property to all his legal heirs, there was no need of execution of the Will.

In the considered opinion of this Court, merely because testator has not given reason for not bequeathing his property in favour of the other legal heirs, denial their right to succession cannot be treated as only circumstance to doubt the correctness of the Will.

Learned counsel for the appellant has further argued that the property was ancestral and, therefore, late Shri Pritam Singh could not execute the Will of the property.

Both the Courts have examined this aspect and found that no evidence has been led to prove this aspect.

In view thereof, there is no scope for interference.

This regular second appeal is dismissed.

12.02.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No