

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

**RSA No.5665 of 2016 (O&M)
Date of Decision.28.11.2018**

Hukma Bai

...Appellant

Vs

Kashmiran Bai and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. H.S. Jakhal, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in claiming 1/4th share out of total land measuring 74 kanals 14 marlas regarding the estate of Shankar Singh, father, against her sisters arrayed as defendants, by laying challenge to the Will dated 16.01.1980, as well as, sale deed dated 07.12.2006.

Mr. Jakhal, learned counsel appearing on behalf of the appellant submitted that both the attesting witnesses of the Will had died. Sarwan Singh grand son of Nihal Singh, attesting witness of the Will appeared as DW8 and candidly admitted that he knew Hindi and English but not Urdu, as the signature of Nihal Singh were in Urdu, thus, there is no compliance of Section 69 of the Indian Evidence Act.

I am afraid aforementioned argument of Mr. Jakhal is not sustainable, as even if a person does not know Urdu but he can always recognise the image of the signature of grand father or parent. The plaintiff has not been able to belie the thumb impression of Shankar Singh on the sale deed. Even cross-examination of DW4,

Sub Registrar did not yield any contrary result.

In view of the aforementioned facts, I do not intend to subscribe to the argument raised by learned counsel for the appellant to form a different opinion than the one already arrived at by the Courts below. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 28, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No