

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

**RSA No.6064 of 2016 (O&M)
Date of Order:02.07.2018**

Hakam Singh

..Appellant

Versus

Mohinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kashish Garg, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

C.M.No.15980-C-2016

Prayer in this application is for condonation of delay of 08 days
in re-filing the appeal.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 08 days in re-filing the appeal is condoned.

Application is allowed.

MAIN

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

Dispute in the present case is with respect to the estate of late
Smt. Basant Kaur. Defendant-appellant had claimed that late Smt. Basant
Kaur executed a registered Will in favour of defendants no.1 to 4 and 6.

Both the courts have concurrently found that the defendants
have failed to prove the Will. Only attesting witness examined as DW1 has
stated that no Will was executed in his presence. Apart therefrom, learned

first appellate court has also relied upon pleadings in the previous litigation and had found as under:-

“Apart from it, the plaintiffs have proved documents Ex.P4 which is copy of civil suit no.302 dated 30.08.1993 decided on 22.08.1996 wherein plaintiffs have proved documents Ex.P5 i.e. written statement filed by Surjit Kaur and Charan Kaur, wherein they have admitted their candidly, the claim of the plaintiffs. Ex.P6 is copy of consent written statement i.e. by defendants. Ultimately the suit of present defendant who was plaintiff in earlier suit was dismissed vide judgment Ex.P7 and decree sheet Ex.P8 respectively.”

In view of the concurrent finding, which is neither shown to be erroneous nor result of any misreading of substantive evidence, 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.

July 02, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No