

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

**RSA No.6210 of 2016 (O&M)
Date of Order:15.10.2018**

Hakam Singh

..Appellant

Versus

Piara Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manish Kumar Singla, Advocate,
for the appellant.

ANIL KSHETARPAL, J.

C.M.No.16338-C-2016

Prayer in this application is for condonation of delay of 92 days
in filing the appeal.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 92 days in filing the appeal is condoned.

Application is allowed.

MAIN

Defendant No.1-appellant is in the regular second appeal
against the concurrent findings of fact arrived at by the courts below while
decreeing the suit filed by the plaintiffs for declaration and permanent
prohibitory injunction on the basis of a registered Will executed by their
father dated 31.03.1998.

Jail Singh, the father, had 5 sons and 2 daughters. He had
executed a registered Will. Plaintiffs sought declaration that they are
owners in possession of 2/5th share out of 1/4th share of deceased Jail Singh.

The registered Will has been proved by examining Gurdev Singh, the attesting witness, registration clerk as well as the scribe.

Defendant had also set up a Will dated 28.10.2004, which was not proved.

Both the courts on appreciation of evidence have concurrently found that the Will executed by late Shri Jail Singh, dated 31.03.1998 is valid and genuine document and it has been proved in accordance with Section 68 of the Evidence Act.

Learned counsel appearing for the appellant made sincere attempt, however, could not draw attention of the court to any substantive misreading or non reading of evidence. Learned counsel also could not draw attention of the court to any error in the judgments passed by the courts below.

Hence, 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.

October 15, 2018
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(ANIL KSHETARPAL)
JUDGE

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