

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.5029 of 2015 (O&M)

Date of decision: 07.08.2018

Pankaj Sharma

..... Appellant

Versus

Parmeel Kumar Sharma and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sandeep Singh, 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.

Undisputed facts are that Krishan Lal executed a Will dated 14.07.2001. He bequeathed his ancestral property in favour of his three sons whereas he bequeathed self-acquired property in favour of Agya Ram, Sewa ram, Pankaj Sharma and Vidya Sagar. Sewa Ram was given only life estate under the Will on the ground that Sewa Ram is having any child and is also mentally weak. The defendant-appellant claims that he is adopted son of Sewa Ram, therefore, he is entitled to the property which had fallen to the share of Sewa Ram. It is not in dispute that Sewa Ram was given only life estate. The testator of the Will dated 14.07.2001 had made an arrangement which provided that Sewa Ram would not be entitled to absolute ownership of 1/4th share of the property. Even the defendant-appellant is beneficiary of the aforesaid Will only. Both the Courts after

examining the evidence have held that 1/4th share of Sewa Ram would not succeeded by the defendant-appellant who claims to be adopted son of Sewa Ram. Learned counsel for the appellant could not point out any error in the findings arrived at by the Courts below.

In view thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Appeal is dismissed.

07.08.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No