

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

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**RSA-3959-2014 (O&M)
Date of Decision : 28.02.2018**

Smt. Prem Lata Paul and another

..... Appellants

Versus

Rajesh Dewan and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Anirudh Kush, Advocate
for the appellants.

Mr. Rakesh Kumar, Advocate
for respondents No.1 to 3.

None for respondent No.4.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgments and decrees of the courts below dismissing a suit filed by the appellants.

The case of the appellants was that they had inherited House No.271, Sector 2, Panchkula in equal shares with their siblings. It was their case that that house was ancestral in nature. They further challenged two Wills, one made by their father and one made by their mother both in favour of respondents No.1 to 3. The case of the respondents No.1 to 3 on the other hand was that the property in dispute was the self-acquired property of

the parents and their father had executed valid Will in which he had stated

that after his death his half share in the property would go to his wife and in the event she pre-deceased him that share in the property in dispute would go to respondents No.1 to 3. A similar Will was made by his wife wherein she had stated that in the event of her death her half share in the property in dispute would go to her husband but in case her husband pre-deceased her, that share would go to respondents No.1 to 3. Both the courts below held that both the Wills were valid and further held that the appellants had not been able to prove that the property in dispute was ancestral and consequently dismissed the suit and that is how the appellants are before this Court.

As regards the said Wills, counsel for the appellants has very fairly stated that he is not challenging the same. Counsel for the appellants has argued that their father admittedly was an evacuee from Pakistan and he had been allotted different properties in India on the strength of his holdings in Pakistan and in fact the house in dispute was purchased by him after the sale of one such evacuee property.

On the other hand, counsel for the respondents No.1 to 3 has pointed out that the purchase of the house in dispute took place more than six months before the sale of the evacuee property and there was also evidence on record to show that the mother had sold all her jewellery to purchase the property in dispute.

Counsel for the appellants has accepted that the house in dispute was purchased six months before the sale of the evacuee property. He has also not been able to deny the documents Ex.D-17 and Ex.D-18 which showed the sale of the jewellery of the mother. In the circumstances, no fault can be found with the judgments and decrees of the courts below.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 28, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No