

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

RSA No.1706 of 2017 (O&M)

Date of decision : 26.10.2018

Jaswant Singh

...Appellant

Versus

Harbhajan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Sharma, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against the judgment passed by the learned First Appellate Court reversing the judgment of the trial Court.

Dispute in the present case is with respect to the estate of Joginder Singh who had executed a registered Will in favour of his sons from the second wife. The plaintiff being son from the first wife has challenged the Will on the ground that the property was joint hindu family ancestral property and, therefore, Joginder Singh had no right to execute the Will.

Learned First Appellate Court has found that father of Joginder Singh namely Khem Singh had purchased the property in the name of four persons i.e. Khem Singh himself, Joginder Singh, Gurbachan Singh and Amrik Singh.

Although, it is the case of the plaintiff that this property was purchased after selling the ancestral property in village Naag, however, sufficient evidence to prove and connect that sale consideration has not been produced. Still further, no excerpt or old revenue record has been produced to prove that the property at village Naag was ancestral property. Since, the property in dispute was purchased in the name of Joginder Singh, hence, he was exclusive owner.

As regards the property which was received after the death of Khem Singh, even that property is not proved to be ancestral. Still further, it has come in evidence that the plaintiff who is son from first wife, had shifted to State of Uttar Pradesh and has started doing his business separately.

Learned counsel for the appellant could not point out any perversity or substantive error in the judgment passed by the learned First Appellate Court. Hence, no ground to interfere.

Regular Second Appeal is dismissed.

26.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No