

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

123

RSA-1862-2018 (O&M)
Date of decision: 16.07.2018

ANGURI DEVI AND ORS.

... Appellants

Versus

NAVEEN AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep K. Sharma, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

In the instant case, suit filed by the plaintiffs/appellants to assail Will No.3/204 dated 13.11.2000, mutation No.3149 dated 11.06.2009 and subsequent revenue entries was decreed by the trial Court vide judgment and decree dated 08.02.2017 but in the appeal preferred by unsuccessful defendants, the judgment and decree passed by the trial Court were set aside and suit filed by the appellants/plaintiffs was ordered to be dismissed.

Perusal of the records would reveal that the controversy involved in the present lis is with regard to inheritance to the estate of Smt. Champa @ Champi wife of Birkha. The respondents/defendants had propounded registered Will No.3/204 dated 13.11.2000 that was sought to be challenged by the appellants/plaintiffs.

Counsel for the appellants has fairly conceded that the Will in question was the subject matter of dispute in proceedings before the reference Court under the Land Acquisition Act and the said Court on the basis of evidence adduced by the parties has upheld the Will in question and the judgment passed by the reference Court has attained finality between the parties. Once the Will in question was the subject matter of proceedings before the reference Court and plea of the respondents/defendants with regard to genuineness and validity of this Will has been accepted by the reference Court, may be a Court of limited jurisdiction, I do not find any reason to differ with findings recorded by the Court in appeal, setting aside the judgment and decree passed by the trial Court and as a consequence, suit filed by the appellants/plaintiffs was dismissed.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

16.07.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No