

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

RSA No.3152 of 2017 (O&M)

Date of decision : 09.07.2018

Harvinder Kaur and another

...Appellants

Versus

Karamjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.K. Ganga, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The defendant-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The dispute in the present case is with regard to the validity of the unregistered Will dated 08.09.2013. It is admitted position on the record that none of the attesting witnesses has been examined although they are alive.

Both the Courts below have held that since the Will has not been proved in accordance with Section 68 of the Indian Evidence Act, the suit filed by the plaintiff who is claiming the property through natural succession has to be decreed. Although learned counsel appearing for the appellants has made a sincere attempt to draw the attention of the Court to the various litigation filed by the parties and stated that for this reason the witnesses are not coming forward to support the Will, however taking into

consideration that the statutory requirement as provided in the Indian Evidence Act have not been fulfilled, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

09.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No