

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

113 (2 cases)

Date of Decision : 29.01.2018

1) RSA-4690-2017 (O&M)

Smt. Shanti Devi Appellant

Versus

Baiby Rani and others Respondents

2) RSA-4691-2017 (O&M)

Chando Devi Appellant

Versus

Baiby Rani and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sanjay Verma, Advocate
for the appellant(s).

AJAY TEWARI, J. (Oral)

Since a common issue is involved these two appeals are decided by this common order. These two appeals arise from similar suits filed by two sisters (appellants) against their sister-in-law and their nieces (and the vendees from them).

Brief facts of the case are that the property was owned by the father of the appellant(s) (and the father-in-law of the respondent No.1). After his death the two appellant(s) executed registered release deed/s in favour of their brother. The brother executed a Will in favour of his wife and two daughters and then died. Shortly thereafter the wife of the original

owner i.e. the mother of the parties also died. The property was mutated in favour of respondents No.1, 2 and 3 and thereafter the instant suit was filed alleging that the release deed as well as the Will were invalid. Both the courts below noticed that the release deed was duly registered document and one of the attesting witness had also appeared. On the side of the appellant(s) there were only their individual testimonies wherein their claim was that their thumb impressions were taken by fraud. As regards the Will, both the courts below found that the signatures of the deceased could not be disputed by the appellant(s).

Counsel for the appellant(s) has argued that the chronology of events makes the whole affair very suspicious. As per him, within two years of the execution of the release deed, a healthy young man (who would normally not even conceive of making a Will) and his mother died. As per the appellant(s), the respondent No.1 was a very calculative and mean woman who was carrying on illicit relation with Anil Kumar (one of the witnesses of the Will) and had actually murdered the husband and her mother-in-law and had thereupon got the Will typed on a paper where the signatures of Amarjit Singh already existed.

As regards these allegations, both the courts below found that both the deceased had died in their ancestral village; there was no medical evidence of the cause of death; and in a complaint filed by the appellant(s) against the respondent No.1 she had been found innocent by the court. Consequently, the courts below held that the appellant(s) have not been able to establish their case.

Counsel for the appellant(s) has not been able to show how the judgments of the courts below are flawed, which material evidence has not been considered or which evidence has been considered so perversely so as to justify interference in regular second appeal.

Consequently, the appeals are dismissed. No costs.

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

January 29, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No