

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

RSA No.4900 of 2017 (O&M)

Date of decision : 01.06.2018

Swaran Kaur and others

...Appellants

Versus

Thakur Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Lath, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM No.12905-C of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 25 days in refiling the present appeal is condoned.

Application is allowed.

CM No.12907-C of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 08 days in filing the present appeal is condoned.

Application is allowed.

Main Case

The plaintiffs-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 estate of Late Sh. Dial Singh, predecessor-in-interest of the parties to the suit. Late

Sh. Dial Singh executed a registered Will dated 19.12.1994 Ex.D1 bequeathing his property in favour of his two sons namely Thakur Singh and Sucha Singh. It was described in the Will that he has five daughters and all the daughters have been married and whatever he wanted to give, he has given at the time of their marriages. The Will has been proved by examining attesting witness Jaspal Singh as DW2. He has fulfilled the requirement of Section 68 of the Indian Evidence Act, 1872. The Will is proved to be executed in accordance with Section 63 of the Indian Succession Act, 1925. Further Karamjit Singh Sidhu, Advocate who had drafted the Will has also been examined as DW3.

Although, learned counsel for the appellants made a sincere attempt to persuade this Court to interfere in the concurrent findings of fact, however, in the absence of any perversity or apparent error either in appreciation of the evidence or on application of law, this Court does not find any good ground to interfere with the concurrent finding of fact. The evidence which have been led by the parties has been properly appreciated and the learned counsel could not point out any substantive error therein.

In view thereof, there is no good ground to interfere.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

01.06.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No