

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

Date of decision : August 13, 2018

1. RSA No.4687 of 2018 (O&M)
2. RSA No.4688 of 2018 (O&M)

Smt Oganti and others vs Master Aman and others

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjay Verma, Advocate
for the appellants.

Ajay Tewari, J (Oral)

This order shall dispose of aforesaid both the appeals.

These appeals have been filed against the concurrent judgments of the Courts below decreeing the suit filed by respondents No.1 and 2 and dismissing the counter claim filed by the appellants.

Admitted facts are that Jai Narain had two wives Soni and Magan Bai. The appellants are four daughters of Soni while respondents No.1 and 2 are the son and daughter of Magan Bai. Both these respondents had filed a suit claiming that by a document dated 16.2.2013 (Annexure P4), they had become entitled to succeed to the property of Soni. The counter claim of the appellants was that they had inherited the property of Soni and the writing Ex.P4 would not affect their right and Magan Bai was not the wife of Jai Narain nor were respondents No.1 and 2 his children.

Both the Courts below held that the document Ex.P4 was duly signed by Soni and as a matter of fact counter signed by the husband of one

of the appellants in the presence of a large number of people and had also been witnessed by many villagers because this had been signed at the time of last rites of Jai Narain. Both the Courts below noticed that for almost one year after the execution of the said document, Soni was alive but she never challenged the same, and consequently decreed the suit of respondents No.1 and 2, and dismissed the counter claim of the appellants.

The only argument of counsel for the appellants is that the document, Ex.P4 was not a Will and could not be taken to bequeath the title of the property owned by Soni to respondents No.1 and 2. Counsel for the appellants has taken me even through the vernacular of this document which has been placed on record as Annexure A-1. In that, it is clearly mentioned as follows :-

“ Plot No.6021, situated in Sanjay Colony, Sector 23 is in the name of Soni and Aman would be the owner thereof.”

It is not the case of the appellants that respondent No.1 started claiming the property during the life time of Soni. He started claiming this property after her death and therefore both the Courts below did not commit any error in construing the said document as a Will. Consequently, finding no merit, these appeals are dismissed.

Since the main cases have been decided, the pending C.Ms, if any, also stand disposed of.

August 13, 2018

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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No