

RSA No.800 of 2017 (O&M)

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

121

RSA No.800 of 2017 (O&M)

Date of Decision : 14.12.2018

JARNAIL SINGH

....APPELLANT

V/S

PARMINDER SINGH AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Mandeep Singh Sachdev, Advocate for the appellant.

AMIT RAWAL, J. (ORAL)

Appellant-plaintiff has not been successful in claiming declaration with regard to the estate of Karam Kaur propounding Will dated 08.03.2001, allegedly attested by Buta Singh, Jaswinder Singh and Baldev Singh on the premise that Karam Kaur was, before her demise, living with the plaintiff, who had been taken care of the land.

Mr. Mandeep Singh Sachdev, learned counsel appearing on behalf of the appellant submitted that the Will was registered after the death of Karam Kaur and three witnesses Jaswinder Singh, Buta Singh and Baldev Singh have been coherent and consistent regarding attestation of the Will, as Karam Kaur's sons defendant Nos.1 & 2 were living abroad. Plaintiff acquired the knowledge of the mutation only in the month of April, 2007, the suit was filed when defendant Nos.1 and 2 sold the property in favour of defendant Nos.4 to 7 on 05.04.2007.

I have heard the learned counsel for the appellant and of the view

that aforesaid arguments is not sustainable as during the course of the hearing,

cross-examination of Buta Singh as well as statement of DW-3 was read out where both witnesses stated that last rights of Karam Kaur were performed by her son and not by appellant-plaintiff. If there was a truthfulness in the aforementioned assertion in the plaint, then both witnesses would have denied the aforementioned fact. The witness DW-2-Kartar Singh, Sewadar brought the record pertaining to Gurudwara Shree Patalpur Sahib, Shri Kiratpur Sahib, to the effect that the ashes of Karam Kaur were immersed by her son and performance of bhog ceremony. In the said circumstances, Will suffered from suspicious circumstances and rightly have been discarded by the Courts below. Moreover, plaintiff failed to discharge the onus as to how the deceased Karam Kaur is related to him.

In view of the facts noted above, no grounds for interference is made out.

Regular second appeal is **dismissed**.

(AMIT RAWAL)
JUDGE

December 14, 2018

rajneesh

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No