

In the High Court of Punjab and Haryana at Chandigarh

RSA No. 1942 of 2019 (O&M)

Date of Decision: 23.5.2019

Sukhwinder Singh and others

---Appellants

versus

Kundan Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mrs. Satwant Mehta, Advocate
for the appellants**

Rekha Mittal, J.

Challenge in the present appeal has been directed against consistent findings recorded by the courts whereby suit filed by the respondents-plaintiffs claiming to be owners in possession in respect of share left behind by Ram Kaur mother of the plaintiffs (since deceased) in land measuring 93 kanal 16 marlas, situated in village Bhuchar Khurd, Tehsil and District Tarn Taran, detailed in head note of the plaint, by challenging Will dated 25.1.2006 and mutation No. 2108 sanctioned on the basis of Will was decreed by the trial court, vide judgment and decree dated 30.7.2018 and appeal preferred by unsuccessful defendants-plaintiffs did not find favour with Additional District Judge, Tarn Taran.

Perusal of the judgments impugned makes it evident that respondents-plaintiffs claimed their right in the suit property on the basis of natural succession whereas the appellants-defendants denied their right by

claiming testamentary succession on the basis of unregistered Will dated 25.1.2006. The appellants failed to prove the Will in question, in accordance with law.

Counsel for the appellants has failed to advance any arguments to assail consistent findings recorded by the courts rejecting plea of the appellants with regard to the Will in question. In this view of the matter, concurrent findings recorded by the courts neither suffer from an error much less perversity nor raise a question of law that needs determination in second appeal, after hearing the contesting party.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

23.5.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No