

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

**RSA No.2352 of 1998 (O&M)
Date of Order: 15.02.2019**

Inder Singh (since deceased) through LRs

..Appellant

Versus

Udham Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Gurvinder Singh Sidhu, Advocate,
for LRs no.2 to 4 of the appellant.

Mr. Ashwani K. Chopra, Sr. Advocate, with
Mr. Aashutosh Jeerath, Advocate, and
Ms. Eesha Khanna, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below, although, slightly modified by the learned first appellate court.

Dispute in the present case is with regard to the estate of late Sh. Ghulla Singh and validity of a testament executed by him. The testament was registered after the death of late Sh. Ghulla Singh. The execution of the testament has been proved by examining Narinder Singh, the attesting witness as DW3 and Bhagwan Singh as DW4. Dr. Bachittar Singh, who has certified about the alertness and mental faculty of late Sh. Ghulla Singh, has been examined in mutation proceedings and statement thereof has been produced in the Civil Court.

Both the courts are concurrent on the validity of the testament.

Learned courts have held that the testament is above suspicious circumstances.

It may be noted that Shanti has also been bequeathed Rs.40,000/- and two properties i.e. one residential house and the another property constructed for rearing the cattles. Still further plaintiff has admitted that she has withdrawn Rs.40,000/- and has sold one of the property i.e. cattle shed.

Learned counsel for the appellant, although, made sincere attempt to persuade this court to take a different view on the ground that the appellate court has reversed the findings to the effect that Shanti was one of the natural heir of late Sh. Ghulla Singh, however, keeping in view the testament and while noticing that late Sh. Ghulla Singh, the testator, was not having any child of his own, the testament which has been proved in accordance with law cannot be ignored.

Hence, there is no good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

February 15, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No