

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

FAO 2006 of 2015 (O&M)
Date of decision: 25.01.2019

Harchand Singh

.....Appellant

versus

General Public and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Surinder Garg, Advocate
for the appellant

-.-

Rekha Mittal, J.(Oral)

The present appeal directs challenge against order dated 18.11.2014 passed by the Additional District Judge, Patiala whereby the petition under Section 276 of the Indian Succession Act for grant of Probate on the basis of Will dated 09.06.1983, purportedly executed by Shri Jagmohan Lal son of Shri Chander Parkash in favour of the petitioner was dismissed.

The Court has taken note of that earlier the present appellant filed suit for mandatory injunction for issuance of directions to Punjab Urban Planning and Development Authority (PUDA) to transfer the property in question in his name on the premise that Shri Jagmohan Lal had executed general and special power of attorney in favour of his father-in-law and Will dated 09.06.1983 in favour of the appellant but the same was dismissed. It has further been noticed that one of the grounds for dismissal of the suit is that the legal heirs of Shri Jagmohan Lal were not impleaded as a party in the said suit. In the instant proceedings, the Court has again held

that the appellant is not entitle to any relief as he has not impleaded legal heirs of Jagmohan Lal. In para 14 of the judgment, there is reference to voter list Ex.DW1/C which shows that a vote was prepared in the name of Jagmohan Lal and his mother Shanti Devi wife of Chander Parkash at the address of House No. 1130 Kabir Nagar, near DAV College, Jalandhar, the address mentioned in document Ex.P12 proved by the appellant himself.

Counsel for the appellant is not in a position to successfully assail findings of the Court that probate petition is liable to be dismissed for want of impleading legal representative(s) of Jagmohan Lal as a party. In this view of the matter, I do not find an error much less perversity in the impugned order warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed *in limine*.

(Rekha Mittal)
Judge

25.01.2019
mohan bimbura