

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

**Regular Second Appeal No. 4327 of 2010 (O&M)
Date of Decision: May 02, 2019**

Bachan Kaur

.....APPELLANT

VERSUS

Dalbir Singh and others

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the appellant.

Mr. Vipin Mahajan, Advocate
for the respondents.

SURINDER GUPTA, J.(Oral)

Heard.

The plaintiff is claiming title over the suit property measuring 43 kanals 16 marlas owned by Gurcharan Singh, her father, who died on 08.09.1993 leaving behind plaintiff and her sister Rattan Kaur as his only legal heirs.

As per the General Power of Attorney dated 01.03.1982 executed by Gurcharan Singh in favour of Brahm Singh, his brother, sale deed of land measuring 27 kanals 16 marlas out of suit land was executed in favour of the defendants/respondents by Brahm Singh on 25.03.1982 and sale deed of remaining 16 kanals land was executed by him in favour of respondents on 24.05.1982. The plaintiff has challenged the legality of these documents. Gurcharan Singh had also executed a Will dated

26.12.1986 in favour of Dalbir Singh-defendant No. 1. This Will was also subject matter of the civil suit in which RSA No. 3944 of 2001 was filed by Bachan Kaur against Dalbir Singh. The Will was challenged by plaintiff in that suit filed by Bachan Kaur, which was dismissed and the appeal against judgment and decree passed by learned trial Court was also dismissed. In RSA, the legality and validity of the Will executed by Gurcharan Singh was upheld. Once the legality and validity of Will dated 26.12.1986 which was also challenged in this suit has been upheld and the judgment passed in RSA No. 3944 of 2001 has attained finality, the appellant is left with no right, title or interest to challenge the Will or claim any right in the suit property.

Consequently, this appeal has no merits.

Dismissed.

May 02, 2019.
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***