

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

**RSA No.2993 of 2016 (O&M)
Date of Decision.06.02.2019**

Gurjant Singh and others

...Appellants

Vs

Jaswant Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Ruchi Sekhri, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

C.M. No.8001-C of 2016

For the reasons stated in the application, delay of 1 day
in filing of the appeal is condoned.

Application is allowed.

C.M No.8000-C of 2016

For the reasons stated in the application, delay of 12 days
in re-filing of the appeal is condoned.

Application is allowed.

RSA No.2993 of 2016

The short point involved in the present case is whether
the appellants-plaintiffs can be permitted to claim declaration in the
year 2012 on the basis of registered Will of 1960 when partition
proceedings at their behest had already been initiated, the answer
would be 'no'. A person cannot be permitted to approbate and
reprobate in claiming the entire property and defendant also claimed
separate possession by way of partition. Be that as it may, the dispute
is with regard to estate of Mehar Singh, grandfather of the plaintiffs

and maternal grandfather of the defendant, who died in 1960. Mutation of inheritance was sanctioned on the basis of natural succession. If at all there was a Will, nothing prevented the plaintiffs to produce the revenue record. Manipulation, fraud and other things cannot be raised in the year 2012.

In view of aforementioned facts, I do not find any illegality and perversity in the judgments and decrees rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 06, 2019
Pankaj*

Whether Reasoned/Speaking	Yes
Whether Reportable	No