

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

RSA No.3968 of 2016 (O&M)

Date of decision: 09.01.2019

Satbir

..... Appellant

Versus

Hakam Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Munish Gupta, Advocate
for the appellant.

Mr. Keshav Partap Singh, Advocate
for respondents No.1 to 4.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the regular second appeal against the judgment passed by the learned First Appellate Court reversing the judgment of the trial Court.

Dispute in the present case is with respect to an unregistered notarized Will allegedly executed by Maya Ram who died issueless.

The detail facts are not required to be noticed as this order is being passed with the consent of learned counsel for the parties.

The judgment of the learned First Appellate Court is set aside. The case is remitted back to learned First Appellate Court to grant opportunity to the propounder of the Will to prove the thumb impressions of Maya Ram on the alleged Will as well as on the register of the notary. For that purpose, the propounder-plaintiff would be given opportunity to examine a handwriting and fingerprint expert. The correspondence

opportunity would also be granted to the defendants to rebut the aforesaid evidence.

Learned First Appellate Court is requested to re-decide the appeal preferably within a period of 6 months.

Appeal is disposed of.

Parties through their counsel are directed to appear before the learned First Appellate Court on 21.01.2019.

09.01.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No