

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

**RSA No.5992 of 2016 (O&M)
Date of Decision.18.01.2019**

Siri Bhagwan

...Appellant

Vs

Ram Rattan and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Atul Yadav, Advocate
for the appellant.

~.-

AMIT RAWAL J. (ORAL)

The present appeal is at the instance of the appellant-defendant No.1 in the suit laying challenge to the judgment and decree dated 16.03.1998 suffered by his father Sulhar Singh and Will dated 21.05.2004 whereby the trial Court while discarding the Will dated 21.05.2004 partly decreed the suit *vis-a-vis* property subject matter of the Will, however, relief with regard to judgment and decree dated 16.03.1998, registered sale deed dated 26.09.2005 and consequent mutation was declined and affirmed by the lower Appellate Court.

Mr. Atul Yadav, learned counsel appearing on behalf of the appellant submitted that once the Sulhar Singh had executed a registered Will, it carried presumption of truth. Non-examination of the witnesses could not have been a ground to reject the same.

I am afraid aforementioned argument is not maintainable, as the requirement of provisions of Section 63(c) of the Indian Succession Act and Section 68 of the Indian Evidence Act have not been complied.

In view of the aforementioned situation, I do not find any illegality and perversity in the concurrent finding of fact and law arrived at 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

January 18, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No