

RSA-494-2017 (O&M)

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

RSA-494-2017 (O&M)

Date of decision : 29.01.2019

Beant Singh (deceased) through his LRs

... Appellant

Versus

Tarsem Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Malkeet Singh, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

CM-1089-C-2017

For the reasons stated in the application, the delay of 2 days in
filing the appeal is condoned.

CM stands disposed of.

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The appellant-plaintiff has not been successful in seeking
declaration qua estate of Swarna Singh, brother of Beant Singh.

It was alleged that Beant Singh instituted the suit, though
during the pendency of the suit died, challenged the mutation and asserting
the right being collateral regarding the estate of Swarna Singh, who is stated
to be died issueless and unmarried.

The defendants opposed the suit and stated that on demise of
Swarna Singh, mutation was effected, wherein the plaintiff did not dispute
the Will.

Learned counsel for the appellant-plaintiff submitted that the

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Will was unregistered, therefore, surrounded by suspicious circumstances, though the beneficiaries were two sons of the plaintiff and three sons of other brother Amar Chand. In the absence of the Will, estate of Swarna Singh, would have devolved upon the collateral i.e. living brothers, therefore, the findings are totally fallacious, erroneous and perverse.

I am afraid the aforementioned argument is not sustainable in the eyes of law as the suit was filed in the year 2008, after three years from sanctioning of the mutation and in those proceedings, the plaintiff did not deny the execution of the Will by Swarna Singh. His statement has been produced on record as Ex.D3. It reflects that the plaintiff after having suffered the statement three years back, turns dishonest and greedy in claiming the right.

In this view of the matter, I do not find any illegality and perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the present regular second appeal is dismissed.

29.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**