

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

**RSA No.5229 of 2017 (O&M)
Date of Decision.05.02.2019**

Ramwati and others

...Appellants

Vs

Surender and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ajay Ghangas, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

C.M. No.14035-C of 2017

For the reasons stated in the application, delay of 93 days
in re-filing of the appeal is condoned.

Application is allowed.

RSA No.5229 of 2017

The appellants-defendants submitted that Will of Charan Singh was challenged by them in independent suit but they were not successful upto this Court. As per the Will, the plaintiffs acquired title in the property and sought for partition by way of separate possession.

In view of such circumstances, I am of the view that status of the plaintiff after the demise of Charan Singh, in view of the Will, having been upheld in other proceedings, no ground for interference is made out. In such circumstances, as noticed above, grant of preliminary decree was inevitable.

I do not find any illegality and perversity in the

concurrent finding of fact rendered by the Courts below, much less,
no substantial question of law arises for determination by this Court.
Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 05, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No