

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

RSA No.6036 of 2018 (O&M)

Date of decision : 27.02.2019

Baldev Singh

...Appellant

Versus

Bakhshish Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kewal Krishan, Advocate for
Mr. Premjit Kalia, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.16856-C of 2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 78 days in refiling the present appeal is condoned.

Application is allowed.

CM No.16857-C of 2018

Deficiency in the court fees has already been made good.
Delay, if any, is condoned.

Application is allowed.

Main case

Plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

Plaintiff filed a suit on the strength of a testament executed by his father Inder Singh dated 09.05.1970. Neither the original Will was produced nor any of the attesting witness was examined. Hence, both the Courts dismissed the suit filed by the plaintiff.

Learned counsel for the appellant made sincere attempt, however, failed to persuade this Court because the Will is required to be proved in accordance with Sections 68 and 69 of the Indian Evidence Act. However, plaintiff has failed.

Hence, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of in view of the abovesaid judgment.

27.02.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No