

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

RSA-2716-2018(O&M)

Date of decision:-28.8.2019

Mangtu Ram

...Appellant

Versus

Dharampal and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Rakesh Dhiman, Advocate
for the appellant.

H.S. MADAAN, J.

The dispute between the parties is with regard to inheritance of estate of one Sh.Parbhu son of Sh.Sanehi, resident of village Khera, Tehsil Siwani, District Bhiwani, who has since died. Sh.Parbhu had left behind three sons, namely S/Sh. Mangtu Ram, Satnarain and Balbir. Plaintiff Sh.Mangtu Ram had filed a civil suit claiming 1/3rd share in 44 kanals 13 marlas of land situated at village Dhoolkot on the basis of natural succession. In that suit, he impleaded S/Sh. Dharampal and Dharambir sons of Satnarain as well

as Ram Phal and Pawan Kumar sons of Balbir Singh besides Satnarain son of Sh.Parbhu as defendants.

On notice, the defendants appeared and contested the suit contending that the entire land had been bequeathed to S/Sh. Dharampal, Dharambir, Ram Phal and Pawan Kumar by Sh.Parbhu vide a registered Will No.84 dated 18.2.199 and mutation No.2066 has since been sanctioned in their favour on the basis of the Will and the plaintiff has no right or concern with such land.

The parties went to trial. Additional Civil Judge(Sr.Divn.), Siwani dismissed the suit filed by Sh.Mangtu Ram coming to the conclusion that the execution of Will by Sh.Parbhu in favour of defendants No.1 to 4 stood duly proved. This was so done vide judgment and decree dated 711.2014.

The plaintiff felt aggrieved by the said judgment and decree passed by the trial Court and went in appeal before District Judge, Bhiwani, which was assigned to Additional District Judge, Bhiwani, who vide judgment dated 8.12.2017 dismissed the appeal affirming the judgment and decree passed by the trial Court.

Still feeling aggrieved, the plaintiff has knocked at the door of this Court by way of filing regular second appeal.

I have heard learned counsel for the appellant besides going through the record and I find that there is no merit in the appeal. Both the Courts below have returned concurrent findings that

the defendants had successfully proved that Sh.Parbhu had executed a legal and valid Will in favour of defendants No.1 to 4, with the result the suit land was acquired by them on the basis of Will Ex.D1 and plaintiff could not claim any right in the land so bequeathed by Sh.Parbhu to defendants No.1 to 4. The circumstances which according to the plaintiff gave rise to the suspicion regarding truthfulness and genuineness of the Will were rejected. It had also been observed that Sh.Parbhu had already given share in his landed property to the plaintiff.

No substantial question of law arises in this appeal.

Therefore, I do not find any merit in the present appeal and do not see any reason to disturb the legal, valid and well reasoned judgments passed by the Courts below.

The appeal stands dismissed accordingly.

28.8.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable : Yes/No