

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

212

RSA-2358-2013 (O&M)

Date of decision: 07.01.2020

CHANAN SINGH

... Appellant

Versus

ISHAR KAUR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Deepak Manchanda, Advocate
for the appellant.
None for respondent No.4.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby suit for declaration to challenge the Will dated 18.4.1994 and revenue entries on the basis of the Will being illegal, null and void and not binding on right of the appellant/plaintiff was dismissed by the trial Court vide judgment and decree dated 17.02.2011 that came to be affirmed in appeal by the Additional District Judge, Kurukshetra.

The respondents/defendants are the mother and brothers of appellant Chanan Singh and he claimed 1/5th share in the suit property along with joint possession on the basis of natural succession to Sh. Baj Singh, his father who died on 27.06.1995. The Will dated 18.04.1994 is in favour of defendants No.2 to 5, brothers of the plaintiff/appellant. The appeal against respondents No.1 to 3 and 5 was dismissed vide order dated 02.07.2019. A relevant extract therefrom, reads as follows:-

XX XX

In view of above rigor of order dated 04.10.2016 will

apply in the present situation. Accordingly, this appeal is dismissed for non prosecution qua respondents No.1 to 3 and 5.

As appeal against respondents No.2, 3 and 5 who have common interest with respondent No.4 represented by a counsel has since been dismissed, nothing survives for consideration of this Court even in respect of appeal against respondent No.4.

For the foregoing reasons, the appeal stands disposed of.

07.01.2020
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No