

**In the High Court of Punjab and Haryana, at Chandigarh**

**Regular Second Appeal No. 885 of 2021 (O&M)**

**Date of Decision: 06.10.2021**

Sajjan Singh

... Appellant(s)

Versus

Sandeep and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Mohinder Kumar, Advocate  
for the appellant(s).

**Anil Kshetarpal, J.**

1. This regular second appeal has been filed by the plaintiff while assailing the correctness of the concurrent finding of facts arrived at by both the Courts below.

2. The dispute, in the present case, is with regard to the inheritance of the property left behind by late Sh. Sheo Lal. He had left behind two sons, five daughters and a widow. It has come in the evidence that late Sh. Sheo Lal had executed the various Wills. The last registered Will was executed by the late Sh. Sheo Lal on 26.05.2014. He, after noticing that his sons are drunkards, had bequeathed the property in favour of his grand children instead both the sons. The Will has been proved by examining Yog Raj as DW.2. Smt. Santra Devi, daughter of late Sh. Sheo Lal, appeared as PW.2 on behalf of the plaintiff, but supported the case of the defendants and deposed that late Sh. Sheo Lal executed the Will. Smt. Lali Devi, another daughter,

appeared as PW.3 and she has also supported the Will. While appearing in

the witness box as PW.7, the plaintiff-Sajjan Singh has admitted that he along with his wife lived with Satbir Singh for 30-35 years. It has also come in the evidence that late Sh. Sheo Lal used to reside with his son Satbir Singh. It has also come in the evidence that the plaintiff had sold the family land situated in village Gamla. Thus, both the Courts below have upheld the registered Will.

3. The learned counsel representing the appellant contends that the Will is surrounded by the suspicious circumstances. Both the Courts below, after examining the matter, have recorded the concurrent finding of the fact that the registered Will is not surrounded by the suspicious circumstances. The first ground on which the Will is alleged to be surrounded by the suspicious circumstances is that both the attesting witnesses of the Will are the same witnesses as in the previous Will. The second ground alleged is that the beneficiary was present at the time of execution of the Will. Both the Courts below have found that in any village, only a few persons are trustworthy confidants for the role of the testator, to be the attesting witnesses especially when the documents like Will is to be executed. Both the attesting witnesses are the residents of the same village. Hence, while exercising the jurisdiction in the second appeal, this Court does not find that the finding arrived at by both the Courts below suffers from any error on this ground.

4. The next ground alleged is that the beneficiary was present at the time of the execution and the registration of the Will. Both the Courts below have found that merely on this ground, in the absence of the finding that the beneficiary was in a position to influence the wish of the testator,

found inappropriate to doubt the correctness of the registered Will.

5. In view of the above, no ground is made out to interfere in the finding of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

**(Anil Kshetarpal)**  
**Judge**

**October 06, 2021**

**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No