

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

RSA-1382-2018 (O&M)

Date of decision: 27.09.2022

Pataso Devi

....Appellant

Versus

Mahender Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.K.Sharma and
 Mr.Santosh Kumar, Advocates for the appellant

ANIL KSHETARPAL, J (Oral)

While assailing the correctness of the concurrent findings of facts, arrived at by the courts below, the plaintiff has filed the present appeal. She is the daughter of late Sh.Gorkha s/o Ganga Dass @ Ganga Sahai. Sh.Gorkha was married to Smt.Nando, who died in the year 1972. Before the enforcement of the Hindu Marriage Act, 1955, Sh.Gorkha contracted second marriage with Smt. Birmati. Sh. Gorkha suffered consent decrees in favour of Smt. Birmati and Sh.Narender with respect to the immovable property. Smt. Birmati has executed a registered Will in favour of Sh.Mohinder s/o Sultan Singh on 07.06.2000. Sh.Gorkha and Sh.Sultan Singh are real brothers. In other words, Smt. Birmati has bequeathed the property in favour of nephew of her husband. The appellant is daughter from the first wife-Smt. Nando. The execution of the registered Will has been proved by DW1-Mann Singh, Nambardar, who was the attesting witness of the Will. An official from the office of Sub-Registrar has also been examined.

Both the courts have dismissed the suit.

Heard the learned counsel representing the appellant at length and with his able assistance perused the paperbook. He submits that RSA-2844-2008 and RSA-2002-2006 with respect to the correctness of the consent decrees, are pending in this Court. Admittedly, the aforesaid appeals are not with respect to the validity of the Will dated 07.06.2000.

Hence, there is no ground to keep this appeal pending. Learned counsel did not press any other argument. He fails to draw the attention of the Court towards any substantive error in findings of fact recorded by the courts below.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

27.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE