

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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C.R.No.3692 of 2023 (O&M)
Date of Order: 03.07.2023

RAMA DEVI

.Petitioner

Versus

MAHENDER SHARMA AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nikhil Kaushik, Advocate, for the petitioner.

ANIL KSHETARPAL, J

1. The petitioner herein is a defendant in a pending suit. Both the courts after *prima facie* finding a merit have granted temporary injunction restraining the petitioner from interfering in the possession of a house. In substance, the dispute is with regard to the validity of two different Wills. The first Will is in favour of the plaintiff (respondent), whereas the second Will is in favour of the petitioner herein. The petitioner is a married daughter, residing with her in-laws in Gurugram. Whereas the property is situated in village Shima, Tehsil Narnaul, District Mahendergarh.

2. The learned counsel representing the petitioner contends that the subsequent Will is in favour of the petitioner and the previous Will has already been revoked. He further submits that the court has erred in restraining the bank from releasing the amount left by late Sh. Mangtu Ram Sharma, predecessor-in-interest of the parties.

3. This court has considered the submissions of the learned counsel representing the petitioner.

4. Sh. Mahender Singh, who, in substance, is grand son of late Sh. Mangtu Ram Sharma claims to be adopted son of Sh. Mangtu Ram Sharma.

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Late Sh. Mangtu Ram Sharma executed a Will in favour of the plaintiff Sh. Mahender. At this stage, no expression on the merits of the case can be made particularly, when both the Will are required to be proved in accordance with the provisions of Indian Succession Act, 1925 and the Indian Evidence Act, 1872. At this stage, only a prima facie is to be seen. Both the courts on appreciation of the material produced have drawn a plausible conclusion which does not suffer from any perversity.

5. Hence, no ground to interfere is made out.

6. Dismissed.

7. Needless to observe that the trial court will proceed to decide the suit independently without influenced by the observations made by this Court or in the impugned orders.

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

July 03, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO