

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

2024:PHHC:003406

RSA-865-2019 (O&M)
Date of decision: 11.01.2024

SHEORAJ SINGH

..Appellant

Versus

HAR SWAROOP SINGH AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manish Mehta, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

CM-1998-C-2019

For the reasons stated in the application for condonation of delay, which is supported by an affidavit, the application is allowed.

The delay of 133 days in refiling the appeal, is condoned.

CM stands disposed of.

Main case

In this regular second appeal, plaintiff No.2 challenges the correctness of the concurrent findings of fact arrived at by the Courts below while dismissing his suit for grant of decree of declaration.

In substance, the plaintiffs (the appellant along with others) challenge the correctness of the registered Will executed by late Sh. Bhur Singh, who died issueless and unmarried.

Both the Courts on appreciation of evidence have concurrently found that the property was not the ancestral property because late Sh. Bhur Singh being issueless was exclusive owner of the property, which he inherited from his father. Moreover, the suit was filed after a period of 10

years from the date, the property was transferred in favour of Sh. Har Swaroop, the beneficiary of the Will.

Though, the learned counsel representing the appellant made sincere attempt, however, failed to draw the attention of the Court to any substantive error or perversity in the conclusions arrived at by the Courts below.

Dismissed accordingly.

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

January 11th, 2024
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(ANIL KSHETARPAL)
JUDGE

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