

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

126

2024:PHHC:039992

**RSA-485-2020 (O&M)
Date of decision: 20.03.2024**

NIRMAL KAUR

..Appellant

Versus

SOMA DEVI AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Agnihotri, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

CM-1408-C-2020

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

The delay of 116 days in refiling the appeal is condoned.

CM stands disposed of.

Main case

This is plaintiffs' regular second appeal to challenge the correctness of the concurrent findings of fact arrived at by the Courts below while dismissing his suit for the grant of decree of declaration that the plaintiffs are joint owners in possession of 10 kanal 16 marlas land and revenue entries are incorrect with a consequential relief of permanent injunction. The plaintiffs are daughters of late Sh. Surain Singh, whereas, defendant No.5 is their brother. Sh. Surain Singh left behind three sons and six daughters. The plaintiffs allege that Sh. Diwan Chand have come to conclusion that the execution of the Will has been proved by examining DW-2 Sh. Ajay Kaushal son of Sh. Roop Chand, attesting witness, Sh. Ashok Kumar, Scribe, Sh. Ram Sarup, Registration Clerk has also been examined to prove the Will. It has also come on record that on the basis of

the Will, the property was mutated in favour of Sh. Diwan Chand in the year 1993.

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

Hence, no ground to interfere is made out.

Dismissed accordingly.

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

March 20th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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