



137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2774-2022(O&M)

Date of decision : 23.07.2024

Rajneesh @ Rajnish Tyagi
and another

...Appellants

Vs.

Dinesh Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate
for the appellants.

ANIL KSHETARPAL, J. (Oral)

1. In this regular second appeal, the plaintiffs assail the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit.

2. Originally, Sh. Makhan, Sh. Malkhan and Sh. Khazan Singh, who were brothers, were joint owner of the property located in village Gharora. Subsequently, they jointly purchased some property in the Village Raipur Kalan. Sh. Makhan died issueless on 15.11.1992. He executed a registered Will with respect to the property situated in the Village Raipur Kalan in favour of defendants No. 1 to 3, who are children of Sh. Khazan Singh. Whereas, he executed another Will on 20.10.1992 in favour of the plaintiffs with respect to the property located at Gharora. Both the Courts have found that registered Will dated 27.12.1990 has been proved by examining attesting witnesses, namely, Sh. Hari Singh as well as scribe Sh. Bharatpal Singh.



3. The plaintiffs failed to prove that the property was ancestral. In fact, the property belonged to issueless proprietor and the property at Village Raipur Kalan was purchased by three brothers.
4. Hence, no ground to interfere is made out.
5. The appeal stands dismissed.

23.07.2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No