

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

RSA-102-1995

Date of decision: 26.11.2025

Amar Singh

...Appellant

Versus

Partap (deceased) son of Bhagta Through LRs

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Amarjeet Beniwal, Advocate for the appellant.

Mr. R.S. Sangwan, Advocate for the respondents.

DEEPAK GUPTA, J. (ORAL)

The dispute is regarding the Will dated 10.04.1985 of Smt. Bharto @ Chota, who had two sons namely Amar Singh (plaintiff-appellant) and Partap (defendant-respondent). Will is purportedly in favour of defendant – Partap. Plaintiff claimed inheritance to suit property on the basis of natural succession, whereas Partap relied upon Will dated 10.04.1985.

2. Both the Courts below have dismissed the suit.

3. Plaintiff – Amar Singh is before this Court against concurrent findings.

4. During pendency of the appeal, Amar Singh as well as Partap expired. Admittedly, Amar Singh was issueless. His wife had pre-deceased him. In case, the appeal of the appellant – Amar Singh is accepted, obviously by way of natural succession, his share in the suit property will go to sons of Partap being his Class-II legal heirs.

5. However, application under Order 22 Rule 3 of CPC bearing CM-6137-C-2025 was moved by one Suraj Mal claiming to be LR of the appellant - Amar Singh, on the basis of a Will dated 24.03.2022. This



application was disposed of by this Court vide order dated 23.05.2025, by clarifying that impleadment is only for the purpose of pursuing the appeal and that no right would accrue in favour of the newly added appellant namely Suraj Mal based upon the impleadment.

6. Today, it has been pointed out by learned counsel for the respondent that in the Will dated 24.03.2022, which was relied upon by applicant – Suraj Mal, there is no reference of the suit property, inasmuch as, Amar Singh bequeathed a plot measuring $6\frac{2}{3}$ marla; and another plot of 275 Sq. yards. There is reference of one revision titled Amar Singh Vs. Partap Singh pending in this Court, but no specific reference of the present appeal, is made in the will.

7. In the aforesaid facts and circumstances, when the suit property has not been bequeathed in favour of the applicant – Suraj Mal, as per the Will dated 24.03.2022, the appeal deserves to be dismissed having abated, inasmuch as, Amar Singh did not leave behind any other natural legal heirs except his nephews, who are the LR's of the respondent.

8. Appeal is accordingly disposed of.

26.11.2025

Yogesh

**(DEEPAK GUPTA)
JUDGE**

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