233 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-3043-2013 (O&M)
Date of decision : 18.03.2025

Bahadur Singh and others **...Appellants**

Vs.

Parvati and others **...Respondents**

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Senior Advocate with
Mr. Varun Parkash, Advocate
for the appellant.

Mr. Arihant Jain, Advocate
Mr. Kanish Jindal, Advocate
for respondent No.1.

Mr. H.S. Bedi, Advocate
for respondents No. 2 and 5.

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ANIL KSHETARPAL, J. (Oral)

I **Brief Facts:-**

1. The plaintiffs assail the correctness of concurrent findings of fact arrived at by the Courts below while dismissing their suit for grant for decree of declaration that they are owners in possession of the property to the exclusion of the defendants. Inheritance of the property left by Sh. Amar Singh is in dispute. He left behind five sons and four daughters. Out of his five sons four are the plaintiffs. They claimed inheritance to the exclusion of defendants on the basis of unregistered Will dated 24.09.2000. Both the Courts below have found that the Will is surrounded by the following suspicious circumstances:-

I. Throughout his life Sh. Amar Singh used to sign the

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documents, whereas, in the Will in question it is alleged that Sh. Amar Singh thumb-marked.

II. One of the plaintiffs, Sh. Surjit Singh filed a civil suit No. 99/T/30.04.2001 claiming inheritance by setting up another Will in his favour. In the aforesaid suit Sh. Surjit Singh contended that Sh. Amar Singh used to sign only.

III. PW/1 and PW/2 have admitted that Sh. Amar Singh was healthy enough to start tubewell motor at the time of his death.

IV. No medical evidence has been produced by the plaintiffs to prove that Sh. Amar Singh was unable to sign.

V. It is proved on the record that Sh. Amar Singh withdrew Rs. 75,000/- on 27.03.2000 from his Bank account by signing the withdrawal form.

2. Apart from this, various other reasons have been given by the Courts below to discard the Will.

II **Arguments:-**

3. Learned counsel representing the appellants contends that the Will has been proved by examining both the attesting witnesses. He submits that handwriting and fingerprints experts have also been examined to prove the thumb impression.

III **Analysis and Discussion:-**

4. This Court has considered the submissions made by the learned counsel representing the parties.

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5. The appellants are projecting that in the year 1999, Sh. Amar Singh sent request to the Panchayat for carpeting the street on which he thumb-marked. However, it is evident that in March 2000, Sh. Amar Singh withdrew Rs. 75,000/- from his Bank account by signing the withdrawal form.

6. Moreover, upon appreciation of evidence the Courts below have recorded concurrent finding of fact. Such finding can be interfered only if there is mis-reading or non-reading of evidence.

IV **Decision:-**

7. Keeping in view the aforesaid facts, no ground to interfere is made out.

8. Hence, the appeal is dismissed.

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

(ANIL KSHETARPAL)
JUDGE

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

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