

**225 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA-5638-2015 (O&M)****Date of Decision: July 15, 2025****Malkiat Singh****... Appellant****Versus**

Surinder Kaur and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Abhilaksh Grover, Advocate for the appellant.

Mr. Zorawar Singh Chauhan, Advocate for the respondents.

**DEEPAK GUPTA, J.(Oral)**

Plaintiff of the case is before this Court in the present regular second appeal against the concurrent findings of the Courts below.

2. Subject matter of the dispute is the estate left behind by Chanchal Singh S/o Inder Singh. Plaintiff (appellant herein) is the nephew of said deceased - Chanchal Singh and claimed the suit property on the basis of Will dated 02.02.1980 purported to be executed by deceased - Chanchal Singh in his favour. On the other hand, defendants are the natural legal heirs of deceased - Chanchal Singh being his daughters and widow and they claimed the suit property on the basis of natural succession. Both the Courts below have discarded the Will.

3. After hearing learned counsel for both the sides, this Court finds that there is no reason to disturb the findings as recorded by the Courts below. It is noticed that the Will is purported to be witnessed by two persons, namely, Pavittar Singh and Baldev Raj. The witnesses examined by the plaintiff-appellant admitted that both these attesting witnesses are alive and are residing in England. However, none of these attesting witnesses have been examined, so as to prove the legality and validity of the Will.

4. Apart from above, it is also conceded that there is no referene of the defendants, i.e. natural heirs in the Will.

5. In the aforesaid facts and circumstances, the Courts below did not commit any error in discarding the Will. As such, finding no reason to disturb the concurrent findings of the Courts below, which is based upon proper appreciation of evidence, the present appeal is hereby dismissed.

**July 15, 2025**

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**(DEEPAK GUPTA)  
JUDGE**

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No