



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

114

RSA-6124-2018 (O&M)

Date of Decision: 17.09.2025

Devi Ram

.... Appellant

Versus

Dharambir and others

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Gaurav Singla, Advocate for the appellant.

**NIDHI GUPTA, J. (ORAL)**

1. The appellant/plaintiff No. 1 is in second appeal against the concurrent judgments and decrees of both the Courts below whereby the suit for declaration and permanent injunction filed by the appellant and his co-plaintiffs/respondents No. 4 and 5 herein was dismissed.
2. On the last date of hearing i.e. 05.03.2025, when this case was listed for hearing, following order was passed by this Court:-

*“Plaintiff No. 1-Devi Ram, is in second appeal before this Court against the concurrent findings rendered by both the Courts below whereby the suit filed by plaintiff along with his co-plaintiffs/respondents No. 4 and 5 herein for declaration and permanent injunction was dismissed.*

*After arguing for some time, when this Court is not inclined to interfere in the concurrent findings recorded by both the Courts below in the impugned judgment and decrees, learned counsel for the appellant submits that the present dispute is between the real brothers. It is, therefore, prayed that the matter may be referred to the Mediation and Conciliation Centre of this court to explore the possibility of amicable resolution of dispute between the parties.*

*In view of the above, notice of motion be issued to the respondents only to the limited extent of exploring the possibility of an amicable settlement between the parties.*

*The parties are directed to appear before the Mediation and Conciliation Centre of this Court on **09.04.2025** at 10:00 A.M.*



*Adjourned to 17.09.2025, for awaiting report of the Mediator.”*

3. Report dated 22.08.2025, has been received from the Mediator that in view of the absence of the parties, the case could not be resolved being a **non-starter**.

4. Learned counsel for the appellant submits that there is no possibility of amicable resolution of the dispute between the parties and accordingly, prayed that the present appeal may be disposed of.

5. Even on merits, there is no ground to interfere in the matter as it was the case of the appellant-plaintiff that the suit property was ancestral in nature and joint Hindu Family property. A finding of fact has been returned by both the Courts below that the appellant was unable to prove that the suit property was ancestral in nature. On the contrary, the defendants have proved a Will dated 11.05.1998 Ex. D-4, as per which the Executor Chhotey Lal, had bequeathed the suit property to defendant No. 1-Dharambir. The said Will was also proved in accordance with law from the evidence of both the attesting witnesses who had proved the signatures and thumb impressions on the Will; and had also deposed that at the time of execution of the said Will, the Testator was mentally fit. Furthermore, in the Will it is also mentioned by the Testator that defendant No. 1 has been looking after him and he is happy with him; whereas the appellants and proforma-defendants are not rendering any service to him and they are living separately. Even Shiv Ram, Advocate was examined as DW-3 who deposed that Will (Ex. D-4) was read over to Chhotey Lal by Deed Writer Ganga Ram, who had admitted the contents thereof and then signed the same. DW-4 Om Parkash, Numberdar, a respectable of the



village is the second attesting witness of the Will and in his affidavit Ex. DW-4/A, has given elaborate account qua the execution of the Will. He had also deposed that photograph of Chhotey Lal has been affixed and he appeared before the Sub Registrar and the Will was registered.

6. In view of the above concurrent findings which are not controverted or disputed by learned counsel for the appellant, the present second appeal, being meritless, is **dismissed**.

7. Pending application(s), if any, shall stand(s) disposed of.

**17.09.2025**

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**( NIDHI GUPTA )  
JUDGE**

**Whether speaking/reasoned    Yes/No**

**Whether Reportable            Yes/No**