



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

129

**RSA-1637-2023 (O&M)
Date of decision : 23.04.2026**

Mukesh**..... Appellant**

versus

Sukh Ram and others**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. V.K. Jindal, Senior Advocate with
Mr. Vijayveer Singh, Advocate
for the appellants.

Mr. Parvinder Singh, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (Oral)

1. Defendant is in appeal.
2. Plaintiffs filed suit seeking decree of declaration with the consequential relief of permanent injunction. Dispute relates to estate left by Shyam Lal.
3. As per the case of the plaintiffs, Shyam Lal, Raghubir and Ram Sharan sons of Sita Ram were owners in possession to the extent of 1/6 share each in the suit land. Plaintiffs No.1 and 2 along with Shyam Lal, Raghubir and Ram Sharan became owners in possession of the suit land after death of their father Sita Ram. Shyam Lal died issueless. Defendants on the basis of a Will executed by Shyam Lal assert their right over the estate left by him.
4. Defendants propounded Will dated 31.05.2018 claimed to have been registered in the Office of Register, Palwal on 01.10.2018.



The Trial Court believed the Will and answered issue number No.1 and 2 against the plaintiffs and in favour of the defendant and dismissed the suit.

5. In the appeal preferred by the plaintiffs, the Lower Appellate Court reversed the findings referring to testimony of Amar Chand DW3 and Prem Chand appeared as DW4.

6. I have heard counsel for the parties and have carefully gone through the records of the case.

7. The fate of the present case hinges upon validity of Will propounded by the defendants. From the testimony of DW3 and DW4, the two attesting witnesses examined by the defendant, it is evident that though they admitted their signatures on the Will, but could not prove execution thereof in terms of Section 63(c) of Indian Succession Act, 1925 as they admitted that Shyam Lal-the executant never signed in their presence.

8. In view thereof, this Court finds no reason to interfere in the well reasoned findings recorded by the Lower Appellate Court.

9. Finding no merits in the present appeal, the same is ordered to be dismissed.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

23.04.2026

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No