

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4414 OF 1996@@
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Didar Singh ..Appellant(s)

vs.

Darshan Singh & Ors. ..Respondent(s)

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The appellant and defendant-respondent No. 1 are the sons of one Gopal Singh. Gopal Singh admittedly executed a registered Will on 24th July, 1978 in favour of his son (defendant No. 1). The appellant subsequently filed a suit for declaration that his father executed a second Will in his favour as well as in favour of his grandsons on 7th August, 1986 after revoking the earlier Will dated 24th July, 1978. In the said suit, the appellant also claimed relief for injunction and in the alternative recovery of joint possession of the property in dispute. The defendant-respondent contested the suit wherein it was alleged that the Will dated 24th July, 1978 was never revoked and the alleged Will dated 7th August, 1986 is not genuine. The trial court on consideration of evidence on record found that the Will set up by the appellant was not proved. Consequently, the suit was dismissed. The first appellate court also dismissed the appeal preferred by the appellant. The second appeal was also dismissed by the High Court. It is against the said judgment ...2/-

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& order of the High Court, the appellant is in appeal before us.

Learned counsel appearing for the appellant urged that the Will dated 24th July, 1978 was revoked by Will dated 7th August, 1986 and the finding recorded by the courts below is perverse. We do not find any merit in the argument of the learned counsel.

All the three courts below on consideration of evidence on record found the Will dated 7th August, 1986 not to be proved. No substantial question of law has been raised. The appeal fails and is, accordingly, dismissed. There shall be no order as to costs.

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.....CJI.
(V.N. KHARE)

.....J.
(K.G. BALAKRISHNAN)

.....J.
(S.B. SINHA)

New Delhi;
December 19, 2002.