

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CR No.1031 of 2015**

**Date of Decision:-16.02.2015**

**Gurbachan Singh.**

.....Petitioner.

Versus

**Santo & Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Dhirinder Chopra, Advocate for the Petitioner.

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**JASWANT SINGH, J.(ORAL)**

The suit property being agricultural land measuring 26 Kanals 13 Marlas and a residential house and one motor connection was earlier owned by Waryam Singh son of Hira Singh son of Fauja Singh resident of village Manawan, District Moga. After his death the mutation on the basis of inheritance was entered in the name of his widow Gurnam Kaur. The step sister of Waryam Singh namely Santo and her son Arjun Singh filed a suit seeking 2/3<sup>rd</sup> share in the property left behind by Waryam Singh on the basis of Will dated 2.7.2003 by impleading Gurnam Kaur as the sole defendant. The suit was decreed in favour of the plaintiff vide judgment and decree dated 1.9.2011. The said Gurnam Kaur, who was awarded only 1/3<sup>rd</sup> share filed an appeal against the judgment and decree dated 1.9.2011 and during the pendency of her appeal she is stated to have died on 11.12.2013. Since she had died issueless, three separate applications for being impleaded as Lrs of Gurnam Kaur were filed. The applications filed by plaintiff no.1 Santo and the one filed by the petitioner/Gurbachan Singh were dismissed vide impugned order dated 5.1.2015 passed by the learned Civil Judge(Jr. Divn.), Moga while allowing the application of one Chanan

Singh on the basis of unregistered Will dated 9.12.2013.

Having heard learned Counsel for the petitioner, this Court is not inclined to interfere with the impugned order.

It is not in dispute that the said Gurnam Kaur had died issueless and the petitioner-Gurbachan Singh claimed her to be Nephew had set up a unregistered Will dated 9.6.2013 for being her sole legal heir, whereas Chanan Singh had propounded another unregistered Will dated 9.12.2013. The petitioner/applicant has miserably failed to prove the Will propounded by him, in fact could not even produce the original Will dated 9.6.2013. In such circumstances, the findings recorded by the trial Court against the petitioner/applicant are found to be absolutely correct. As regards the claim of Chanan Singh, who is stated to be unrelated to Gurnam Kaur, the learned trial Court has found that in the light of evidence of the Scribe Bhagwan Singh (RW-2) and the attesting witness Sham Singh (RW-1) along with the evidence of Finger Print Expert as RW-3 regarding the thumb impression of the testator Gurnam Kaur, held Will to be duly proved while also noticing that the applicant had dispelled any suspicious circumstances surrounding the Will. Thus, on the conclusive basis on the evidence produced, the findings recorded by the learned trial Court in favour of Chanan Singh cannot be held to be arbitrary much less perverse.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

**( JASWANT SINGH )**  
**JUDGE**

**February 16, 2015**  
Vinay