

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

Civil Revision No.2938 of 2013 (O&M)

Date of decision: 17.11.2015

Gurdev Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jagjot Singh, Advocate,
for Mr. Kunal Dawar, Advocate,
for the petitioners.

Mr. P.S. Mattewal, Addl. A.G., Punjab.

Mr. Naresh Kaushal, Advocate,
for respondent Nos.2 to 5.

Ritu Bahri, J.

Challenge in this petition is to the order dated 16.02.2013 passed by the Additional District Judge, SAS Nagar, Mohali, whereby, execution application filed by the petitioners claiming payments being legal heirs of late Bhag Singh, has been dismissed.

Bhag Singh and Pritam Singh were two brothers. Land belonging to Bhag Singh was acquired by the State of Punjab and compensation in that respect was deposited in his name. However, said Bhag Singh expired on 07.09.2006. In execution proceedings for claiming compensation, a claim was made by the present petitioners that Gurdev Singh, Som Nath, Ramjit Singh and Jaspal Singh were sons of Bhag Singh and they had a right to claim the compensation, which was lying deposited in his (Bhag Singh's)

From the pleadings of the parties, following issues were framed by the Court:-

1. Who is entitled to collect the amount lying deposited in the name of Bhag Singh? OP Parties
2. Relief.

In order to prove their case, both the parties led their respective evidence. On the basis of said evidence, the Additional District Judge, Mohali, came to a conclusion that the petitioners were not the sons of Bhag Singh. Service record of Ramjit Singh son of Pritam Singh was proved as Ex.RW1/A, in which, he was shown to be the son of Pritam Singh. As per service book (Ex.RW4/A) produced by Mewa Singh (RW-4), Gurdev Singh was shown to be the son of Pritam Singh. Further, the service record of Som Nath was produced by Rajesh Kumar, JE (RW-5) as Ex.RW5/A, which showed that he is the son of Pritam Singh. Paramjit Kaur, JBT teacher (RW-6) deposed that name of father of Som Nath was Sucha Singh. The above evidence was sufficient to return a finding that none of the petitioners was son of Bhag Singh. While dismissing the application, reference has been made to a registered Will dated 25.11.2005 executed by Bhag Singh in favour of Dharam Singh and Jaspal Singh. In this Will, Jaspal Singh has been described as son of Pritam Singh. Both the attesting witnesses of the said Will were examined as RW-1 (Joginder Singh) and RW-2 (Harmail Singh, Numberdar). They testified that the Will dated 25.11.2005 was scribed at the instance of testator-Bhag Singh in favour of Dharam Singh son of Bhag Singh and Jaspal Singh son of Pritam Singh in sound disposing mind. The said Will was proved as Ex.R1. Hence, while dismissing the application, a finding has been rightly recorded that the objectors-petitioners

After going through the impugned order, no illegality, much less perversity has been found therein warranting interference by this Court in exercise of its revisional jurisdiction.

Dismissed.

17.11.2015
ajp

(RITU BAHRI)
JUDGE