

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

RSA No. 318 of 2012 (O&M)

Date of decision : 1.10.2015

Malak Singh and another

... Appellants

versus

Sukhwinder Singh and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ashish Gupta, Advocate, for the appellants.
Mr. Vikas Mehsempuri, Advocate, for respondent nos. 1 to 3.

Rajesh Bindal, J.

The defendants have approached this Court impugning the judgment and decree of the Lower Appellate Court whereby the suit filed by respondent nos.1 to 4/plaintiffs for declaration and possession, was decreed.

The case of the plaintiffs was that defendant nos. 1 and 2 and Gurbachan Singh had forged a Will dated 25.8.1988, registered on 27.2.1992 in their favour regarding the share of Surinderpal Kaur, mother of the plaintiffs. On the basis of forged Will, they illegally got mutation no.718 sanctioned in their favour with respect to the share of land belonging to their mother. No reason has been given in the Will for ignoring the plaintiffs, the natural sons. Surinderpal Kaur died on 8.10.1988. The plaintiffs were minor at the time of death of their mother and their interest was not watched properly.

The appellants could not prove on record due execution of Will. They have not examined any witness, who had attested the Will. The case of the appellants is that they spent huge money on the marriage of Surinderpal Kaur. Later on her relations with her husband Satnam Singh became strained and thereafter she met with an accident. Her husband Satnam Singh left her in village Randhawa. She was served by the defendants. They spent huge money on her treatment. Due to their services,

she executed the Will in their favour. It is not disputed that Surinderpal Kaur died on 8.10.1988. At that time, the plaintiffs were minor. No reason has been assigned in the Will for ignoring the plaintiffs, who are the natural sons, from the suit land and executing the Will in favour of the defendants, who are stated to be in her relative. As claimed by the appellants, the Will was executed on 25.8.1988, which was registered on 27.2.1992. Keeping in view the evidence led by the parties, the learned Court below has not committed any illegality in holding that the appellants have failed to prove due execution of the Will and declared mutation no.718 entered on the basis Will to be illegal, null and void. Nothing has been pointed by learned counsel for the appellants, which has been overlooked by the learned Lower Appellate Court, in reaching the conclusion.

No substantial question of law arises. The appeal is accordingly dismissed.

1.10.2015
vs

(Rajesh Bindal)
Judge