

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

RSA No.1726 of 2013 (O&M)  
Date of Decision.13.08.2015

Kulwinder Singh .....Appellant

Versus

Bakhshish Singh and others .....Respondents

Present: Mr. K.S. Rekhi, Advocate  
for the appellant.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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**K. KANNAN J. (ORAL)**

1. The defendant who resisted the suit claiming under a Will said to have been executed by one Kashmir Singh failed in his defence and the plaintiffs obtained a decree declaring that the mutation ordered by the revenue authorities taking the Will to be true was not correct. The trial Court found that even the original Will had not been produced and there was no cogent proof regarding the validity of the Will. The trial Court refereed to the fact that Kashmir Singh had died on 15.07.2007 and the Will was said to have been written on 13.07.2015 two days earlier when he was alive and there was not not even appropriate proof that he had mental capacity to execute the Will. The Court also found that the person who was said to be the scribe denied in Court that she has ever scribed any other Will in the past. She stated in cross-examination, when she was produced with another Will, she read its contents and format and used the same for preparation of the Will of

Kashmir Singh. She did not remember whether the Will was typed or hand written. She also admitted that she had given a statement before the SDM, Baba Bakala when enquiry was being conducted with reference to the mutation entries on the basis of the alleged Will that she did not know who was Balkar Singh and whether he had given the blank paper for making the Will. The Court also referred to the fact that the witness DW4 Balkar Singh denied that he had taken another Will along with him whereas DW2 had admitted in the cross-examination about the production of yet another Will at that time as the basis for scribing the Will propounded by the defendant. With several discrepancies attendant to the Will, the trial Court rejected the Will to be not true and this finding was also confirmed in the Appellate Court. I find the consideration against the genuineness of the Will has been on proper judicial lines of reasoning and there is nothing brought out as a substantial question of law for consideration.

2. There is no merit in the second appeal and it is dismissed.

(K. KANNAN)  
JUDGE

August 13, 2015  
Pankaj\*