

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 6372 of 2014 (O&M)
Date of Decision : 05.10.2015

Mohindro (deceased) through her LRs and othersAppellants

Versus

Sulkhan Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Punchhi, Advocate
for the appellants.

Surinder Gupta, J. (Oral)

Heard.

This is an appeal filed by legal heirs of Mohindro and other defendants in Civil Suit No. 1175 of 10.05.2001 filed by Sulkhan Singh. Plaintiff-Sulkhan Singh claimed declaration that he is owner in possession of land measuring 16 *kanals* as fully described in the headnote of suit and sale deed dated 01.02.2001 executed by defendants no. 1 to 3 in that suit in favour of defendant no. 4 *qua* 14 *kanals* of land, was illegal, null and void.

The Plaintiff had set up a Will dated 02.11.1999, in his favour alleged to have been executed by Rana Singh. Both the Courts below discarded the Will holding the same as surrounded by suspicious circumstances.

The suit was partly decreed to the extent that sale deed dated 01.02.2001 was held valid to the extent of share of defendants no. 1 to 3 and invalid *qua* 2 *kanals* of land sold in excess by defendants no. 1 to 3.

The challenge in this appeal is *qua* the relationship of

Sulkhan Singh with Rana Singh. Learned counsel for the appellants has argued that Sulkhan Singh claimed himself to be an adopted son of Rana Singh but neither the adoption deed nor ceremony of adoption were duly proved on file.

The plaintiff in order to prove his adoption had produced his ration card, sale deed dated 18.12.1985 executed by Nachhattar Kaur wherein he is mentioned as son of Rana Singh. The plaintiff also produced the copy of voter-list and examined PW-4 Amrik Singh to prove that the plaintiff was being treated as son by Rana Singh during his life time and it was plaintiff who was living with Rana Singh and serving him. Beside other evidence, the plaintiff also produced revenue record in support of his contention.

The defendants failed to rebut the evidence produced by the plaintiff to prove that he is not the adopted son of Rana Singh. Ist Appellate Court while discussing the entire evidence produced on record observed in para 19 of its judgment regarding adoption of plaintiff-respondent by Rana Singh, as follows:-

“Further, PW-6 Jeet Singh has also deposed about the giving and taking ceremony of adoption of plaintiff Sulkhan Singh in the family of Rana Singh. Moreover, that took place about 40/45 years ago. Accordingly, there has not come any specific evidence to rebut that plea of adoption on the part of defendants. Defendant no. 3 Sumitra who is none else rather daughter of Rana Singh whose statement Ex. P-14 as

suffered by her before the revenue authorities has come on record whereby she has admitted that Sulkhan Singh was at the age of 10 years when her father brought Sulkhan Singh with him. Sulkhan Singh was at the age of 40 years at that time. They lived in a same house. Her mother was alive when Rana Singh had brought Sulkhan Singh with him. That Sulkhan Singh was brought by her father with the consent of natural parents of Sulkhan Singh. Sulkhan Singh served her parents. The last rights even the cremation of Rana Singh was performed by Sulkhan Singh who expired in the year 1988. This evidence of Sumitra has clinched the matter at least to the extent that Sulkhan Singh remained adopted son of Rana Singh. Accordingly, from the oral as well as documentary evidence on record, the findings of issue no. 1 are hereby affirmed that Sulkhan Singh was adopted son of Rana Singh. Therefore, the citations as relied by learned counsel for the defendants as referred above are not supporting his contentions in any manner regarding the question of adoption. Thus, the issue no. 1 stands rightly decided in favour of the plaintiff and against the defendants by the learned trial Court.”

The perusal of judgments of Courts below reveal that the plaintiff had been able to produce on record unassailable evidence to show that he was adopted son of Rana Singh and both the Courts below have rightly relied upon the evidence

produced on record by the plaintiff in view the fact that there was no rebuttal.

On perusal of paper-book and the judgment of Courts below, I find no legal or factual infirmities therein calling for interference. No question of law, what to talk of substantial question of law requiring determination, arises in this appeal, which has no merit.

Dismissed.

October 05, 2015
jk

(SURINDER GUPTA)
JUDGE