

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

**RSA No.5506 of 2016 (O&M)
&
RSA No.5507 of 2016 (O&M)
Date of Decision:21.05.2018**

Gurjit Singh

...Appellant

Versus

Balbir Kaur and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.P.S.Dhaliwal, Advocate for
Mr.Mohd.Yousaf, Advocate for the appellant.

ANIL KSHETARPAL, J.

This judgment shall dispose of two appeals bearing RSA Nos.5506 and 5507 of 2016 as the issue involved therein is common.

These two regular second appeals are arising out of cross suits filed by respective parties. The dispute is with regard to the estate of Late Shri Teja Singh. According to Balbir Kaur and Amanpreet Kaur, widow and daughter of Late Sh.Teja Singh, respectively, Late Sh.Teja Singh left behind a registered testamentary document dated 11.1.2001 in their favour, whereas the defendant-Gurjit Singh, who is also plaintiff in the cross suit, claims that he is a adopted son and testamentary document is forged and fabricated.

It is the case of the plaintiffs Balbir Kaur and Amanpreet Kaur widow and daughter of Late Sh.Teja Singh, respectively, that no doubt the defendant was adopted at one point of time but thereafter he started residing with his family, where he was born at village Bishangarh, District Sangrur since 17.12.2000 and the defendant was taken back by his natural father and in the panchayat meeting a writing dated 17.12.2000 was written.

Both the courts below, after examining the evidence available

on the file, have recorded a concurrent finding of fact that the execution of the Will has been proved by examination of Ramesh Kumar Modi, PW-2, attesting witness and Scribe of the Will. Both the courts below have held that registered testamentary document also bears the photograph of the executant.

Late Shri Teja Singh was alive up to 27.9.2011 i.e., for 11 years after execution of the Will. Gurjit Singh has led no evidence that he ever came back in his adoptive family. Late Shri Teja Singh has executed a Will in favour of his wife and minor daughter. Argument of the learned counsel is that since Teja Singh was physically fit, therefore, there was no immediate necessity for him to execute the Will as he was only aged about 55 years. This Court is of the view that the registered Will cannot be ignored on this count.

Although, learned counsel for the appellant (Gurjit Singh) in both the appeals made sincere effort to persuade this Court to take a different view, however, since learned counsel could not point out any substantive misreading or non reading of evidence available on the file, which may warrant any interference, this Court does not find that the judgments passed by the courts below need any interference.

Both these Regular Second Appeals are dismissed. Pending application, if any, shall also stand disposed of.

21.05.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No