

RSA No. 5970 of 2016(O&M)
Date of Decision: 04.07.2018

Rao Barinder Singh

---Appellant

versus

Daljit Kaur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. S.S.Panag, Advocate
for the appellant**

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit filed by the plaintiff/appellant claiming himself to be owner in possession of the estate left behind by Dalbir Singh son of Gurbax Singh son of Bela Singh (since deceased), situated at Sultanwind Urban and Sub-Urban, Tarar Mahal-I and II, village Sultanwind Tehsil and District Amritsar on the basis of Will dated 2.12.2009 allegedly left behind by the deceased in favour of the appellant-plaintiff was dismissed by the trial court and findings recorded by the trial court have been affirmed in appeal.

No doubt, the defendants admitted the factum of Will dated 2.12.2009 whereby natural heirs of Dalbir Singh (since deceased), arrayed as defendants have been excluded from inheritance. The Court in Appeal has held that suit is the result of collusion between the parties and this document has been created with a clear intent to transfer the property without payment of requisite stamp duty, registration charges etc. I find no

reason to differ with these findings recorded by the Court in Appeal when the case is examined in the light of facts noticed by the courts. As per the settled position in law, a party that approaches the court with uncleaned hands and with a mala fide intent is not entitled to get any relief. In this view of the matter, I do not find any reason to interfere in the concurrent findings recorded by the courts.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

04.07.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No