

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHRSA-1891-2019 (O&M)
Date of decision:04.07.2022

Amarjit Kaur

...Appellant

Versus

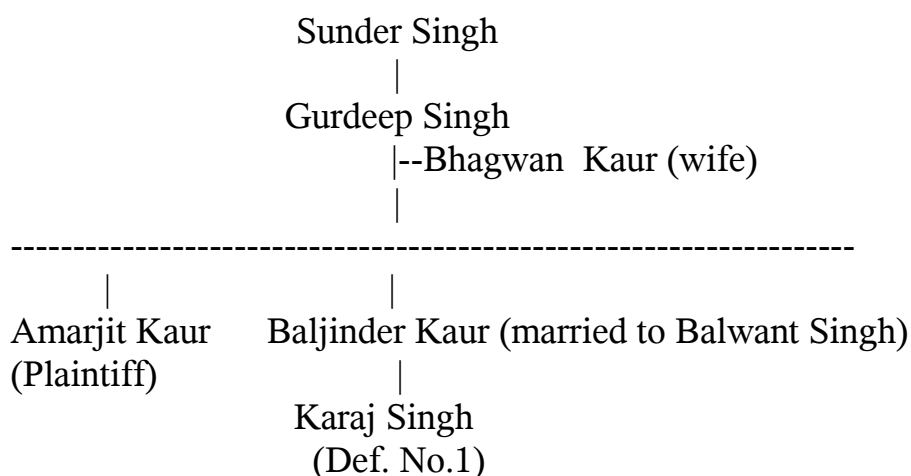
Karan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. N.S.Dandiwal, Advocate
for the appellant.****ANIL KSHETARPAL, J (Oral)**

While assailing the concurrent findings of fact arrived at by the courts below, the plaintiff has filed the present appeal. In order to understand the inter-se relationship between the parties, it would be appropriate to draw a a small pedigree table.



The plaintiff (appellant) is Amarjit Kaur. She filed a suit claiming to be the joint owner in possession of the property on the basis of a Will dated 12.03.2003, executed by late Sh. Gurdeep Singh. She also claims that the property in dispute is a Joint Hindu Family Coparcenary property.

The defendants contested the suit while asserting that Gurdeep Singh during his life time adopted Karaj Singh as his son. He also executed three registered gift deeds in favour of Karaj Singh and one sale deed in favour of defendant no.1 and 2, while cancelling the Will dated 12.03.2003.

In evidence, all these gift deeds, sale deed, adoption deed were produced on the file. The gift deeds were proved by examining its scribe. DW10 Harmander Singh Numberdar proved signatures of his father Hukam Singh Numberdar, who had by then died. DW11-Sukhmander Singh, another attesting witness of the gift deeds as well as the cancellation of the Will was examined who was later on declared hostile. However, in cross-examination he admitted his signatures as well as photographs on the gift deeds. Smt. Bhagwan Kaur widow of Gurdeep Singh appeared as DW6 and admitted the execution of the gift deeds. She also admitted that Karaj Singh was adopted as son by her as well as Gurdeep Singh. The registered adoption deed was also produced. Karaj Singh was examined as DW8. On the basis of the aforesaid evidence, both the courts decreed the suit.

The plaintiff did not lead any cogent evidence to prove that the property was a Joint Hindu Family Coparcenary property in the hands of Gurdeep Singh. Even otherwise, Gurdeep Singh was the only male member in the family.

This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paper book.

The learned counsel representing the appellant though made sincere attempt, however, failed to draw the attention of the court to any substantive error in reading, misreading of evidence or appreciation of evidence.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

July 04, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No