

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1223 of 2021 (O&M)
Date of Order:07.05.2024

Sirjit Kaur and others

.Appellants

Versus

Surinder Singh and others

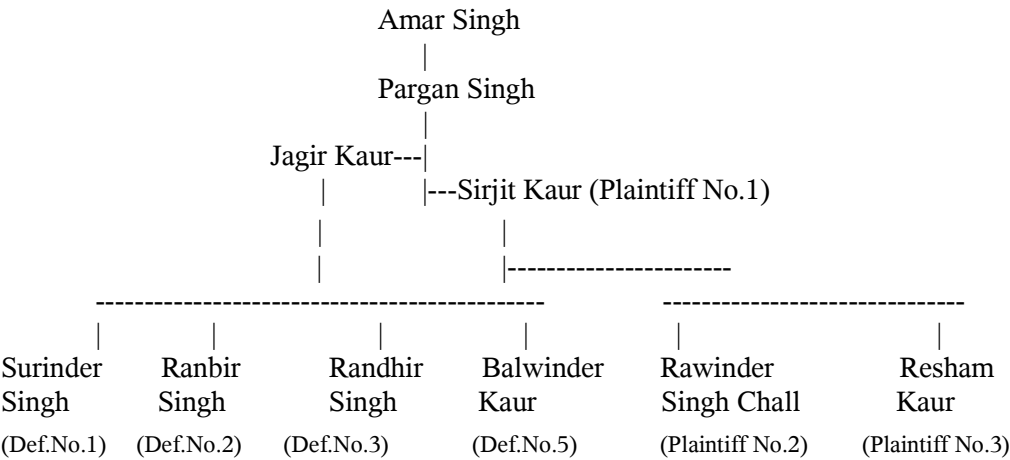
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Malkeet Singh, Advocate
 for the petitioners.

ANIL KSHETARPAL, J

1. In this regular second appeal, the plaintiffs assail the correctness of the concurrent findings of fact arrived at by the courts below while dismissing their suit for grant of decree of declaration that they along with defendant nos.1 to 3 and 5 are owners in possession of 1/7th share each in the land measuring 73 kanals 14 marlas and 3 sarsai. In substance, the plaintiffs assail the correctness of registered Will executed by their husband/father in favour of his three sons and one grand son.
2. In order to understand the inter-se relationship between the parties, a small pedigree table is drawn as under:-





3. This suit was filed by Smt. Sirjit Kaur, Rawinder Singh Chall, and Smt. Resham Kaur, who are residing in United Kingdom(UK). They claim that the registered Will dated 15.02.2006 is null, void, illegal and was not executed with free will.

4. The defendants on the other hand, proved the Will by examining DW3-Nachhater Singh, the attesting witness of the Will and Sh. Bhupinder Pal Jhikka, the scribe.

5. The learned counsel representing the appellants has made the following submissions:--

- (1) The testator has not given any reasons for excluding the plaintiffs from his succession.
- (2) The testator was not of sound mind on the day of the execution of the Will.
- (3) Smt. Parminder Kaur, one of the attesting witness, was aunt of wife of the one of beneficiary i.e. Sh. Ranbir Singh.
- (4) Sh. Nachhatar Singh is also interested witness as he was cousin of the testator, namely, Sh. Pargan Singh.

6. This court has considered the submissions of the learned counsel representing the parties

7. The learned counsel representing the appellant has produced photocopy of the registered Will. It is evident that on the top of the page, the photograph of Sh. Pargan Singh has been pasted. Sh. Pargan Singh has appended his thumb impressions in the manner that half of the thumb impression is on the photograph, whereas remaining half is on the paper on



which the Will is scribed. He has also thumb marked the Will at the bottom where recitals of the Will came to an end. Sh. Pargan Singh has also signed at the bottom of the page along with his thumb impression. At the time of registration, Sh. Pargan Singh has twice signed the Will. The photograph of the Sub-Registrar along with testator and the attesting witnesses is printed on the back side of the Will.

8. The plaintiffs have led no evidence to prove that Sh. Pargan Singh never thumb marked or signed the Will.

9. The first submission of the learned counsel representing the appellant has no substance because the testator is not required to give detailed reasons for excluding a natural heir. The Will is not akin to a judgment which is supported by the detailed reasons which is subject to judicious scrutiny by the Court. It is evident that the plaintiffs are residing in UK, whereas the defendants are residing in India. The testator has remained alive for more than 7 years after execution and registration of the Will.

10. With regard to the second submission, it may be noted here that the plaintiffs have led no medical evidence to prove that Sh. Pargan Singh was not of sound mind on 15.02.2006. He appeared before the Sub-Registrar to get the Will registered.

11. The next argument of the learned counsel representing the appellant has no substance because Smt. Parminder Kaur is the Sarpanch of the village. She has attested the Will. She may be aunt of wife of one of the beneficiary, however, that cannot be the only ground to discard the registered Will particularly when the Will has been executed in favour of as



many as four beneficiaries.

12. The last submission of the learned counsel representing the appellants is not substantiated. Sh. Nachhater Singh was managing the land of Sh. Pargan Singh. He was also attorney and cousin of Sh. Pargan Singh. He is not the beneficiary of the Will.

13. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

14. Dismissed.

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

May 07, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO