

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

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2025:PHHC:050275



RSA-697-2021

Date of decision: 21.04.2025

UJJAGAR SINGH ALIAS JAGGAR SINGH & ORS. ..Appellants

Versus

NACHHATAR SINGH ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ishan Gupta, Advocate
 for the appellants.

ANIL KSHETARPAL, J (Oral)

1. The plaintiffs assail the correctness of concurrent findings of fact arrived at by the Courts below while dismissing their suit for possession of 4 bighas and 5 biswas ‘*pukhta*’ and recovery of Rs.40,000/- for use and occupation of the premises with consequential relief of decree of permanent injunction. The dispute is with regard to succession of property left behind by plaintiffs mother Smt. Pritam Kaur. She has executed a Will in favour of her second husband Sh. Nachhatar Singh. In fact, Smt. Pritam Kaur married Sh. Hari Singh and the plaintiffs were born. After the death of Sh. Hari Singh, she re-married to Sh. Nachhatar Singh on 14.03.1988. Sh. Nachhatar Singh as a security, transferred 4 bighas and 5 biswas land in favour of Smt. Pritam Kaur. Smt. Pritam Kaur executed a Will of 4 bighas and 5 biswas land in favour of Sh. Nachhatar Singh, her second husband, who has transferred the property in her favour. The execution of the Will has been proved by examining the attesting witness namely Sh. Mukhtiar Singh as well as the scribe.



2. Learned counsel for the appellant submits that the Will is surrounded by suspicious circumstances because there is variation in the spacing while writing the Will.

3. This Court has considered the submissions of learned counsel for the appellants.

4. It is evident that the Will has been written with hand, hence, the spacing in between the lines cannot be made with exact precision. There has to be some natural variation in the spacing. It is evident that Sh. Nachhatar Singh transferred the property in favour of Sh. Pritam Kaur at the time of marriage. She by executing the Will has only returned the same.

5. Learned counsel for the appellant further contends that Smt. Pritam Kaur had sold Sh. Hari Singh's property.

6. Be that as it may.

7. It is evident that the sale deed was executed by Sh. Nachhatar Singh in favour of Smt. Pritam Kaur on the day of her marriage with Sh. Nachhatar Singh.

8. Hence, no ground to interfere is made out.

9. Dismissed.

April 21st, 2025

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**(ANIL KSHETARPAL)
JUDGE**

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