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

1. **RSA-1149-2021 (O&M)**
Reserved on : 11.09.2025
Date of Decision : 22.09.2025

Virender Kumar Dogra (deceased) through LR ... Appellant(s)

Versus

Vishwapriya Dogra (deceased) through LR & Ors ... Respondent(s)

2. **RSA-1207-2021 (O&M)**

Virender Kumar Dogra ... Appellant(s)

Versus

Saravpriya Dogra (deceased) through LR & Ors ... Respondent(s)

3. **RSA-1287-2021 (O&M)**

Virender Kumar Dogra (deceased) through LR ... Appellant(s)

Versus

Vishwapriya Dogra & Ors ... Respondent(s)

4. **RSA-285-2022 (O&M)**

Virender Kumar Dogra (deceased) through LR ... Appellant(s)

Versus

Savdeshpriya Dogra (deceased) through LR & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

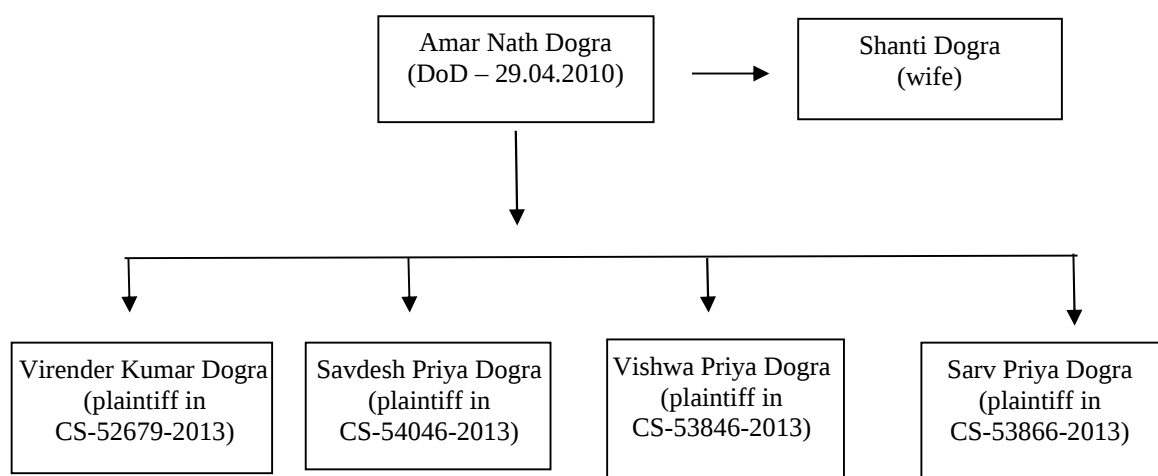
Present : Mr. S.S. Ranghi, Advocate for the appellant.

Mr. Puneet Jindal, Senior Advocate with
Mr. Puneet Bhushan, Advocate for the caveator-respondents.

ALKA SARIN, J.

1. The present judgment shall dispose off the above-mentioned four appeals. For a better understanding of the facts, a pedigree table is

reproduced hereinbelow :



2. Four separate suits were preferred by the sons of Amar Nath Dogra, which were clubbed together before the Trial Court as the issue involved in all the suits pertained to the estate of Amar Nath Dogra. The dispute amongst the brothers revolves around two registered Wills dated 15.06.1994 (Ex.P6) and dated 21.04.2010 (Ex.D6). The registered Will dated 15.06.1994 (Ex.P6) was propounded by Virender Kumar Dogra (appellant herein in all the appeals) while the other three brothers propounded the Will dated 21.04.2010 (Ex.D6). The dispute in all four suits pertains to the validity of the said Wills dated 15.06.1994 (Ex.P6) and 21.04.2010 (Ex.D6). Though Amar Nath Dogra was also survived by two daughters, namely, Suruchi Rishi and Suvarsha Sharma, however, both the daughters have not disputed the Wills. The Trial Court vide a common judgment and decree dated 07.08.2018 in all the four suits, discarded the Will dated 15.06.1994 (Ex.P6) propounded by the Virender Kumar Dogra (appellant herein in all the appeals) and upheld the Will dated 21.04.2010 (Ex.D6) propounded by the other three brothers (respondents herein in all the appeals) . Aggrieved by the same, four appeals were preferred by Virender Kumar Dogra (appellant herein in all the appeals) which appeals were also dismissed by the First Appellate Court vide a

common judgment and decree dated 18.12.2019. Hence, the present four regular second appeals by Virender Kumar Dogra (appellant herein in all the appeals) challenging both the judgments and decrees passed by the Trial Court and the First Appellate Court.

3. Learned counsel for the appellant would contend that both the Courts have erred in upholding the Will dated 21.04.2010 (Ex.D6). It is urged that the Will dated 21.04.2010 (Ex.D6) is shrouded by suspicious circumstances and, therefore, the same ought to have been rejected. The first suspicious circumstance as enumerated by the learned counsel for the appellant is that the Sub-Registrar was brought to the residence of Amar Nath Dogra who though aged 95 years was hale and hearty. It is further the contention of the learned counsel that Amar Nath Dogra had been visiting his clinic till his death. The second suspicious circumstance as argued by the learned counsel for the appellant is that the Will was written by the son-in-law of Amar Nath Dogra and that the Will was not scribed by a regular deed writer. The third suspicious circumstance is that Savdesh Priya Dogra, one of the beneficiary of the Will, took an active part during the execution of the Will. Learned counsel has further argued that though the Will is typed, however, the date of the Will is written by hand and, therefore, that itself is a suspicious circumstance. Yet another suspicious circumstance as argued by the learned counsel for the appellant is that in the cross-examination of DW2 - Suresh Chander Nanda, one of the attesting witnesses - he has stated that the Will was already drafted when he reached. Learned counsel has further contended that Amar Nath Dogra died on 29.04.2010 i.e. 08 days after the execution of the Will.

4. *Per contra* learned senior counsel appearing for the caveator-

respondent No.1 has contended that vide the Will dated 15.06.1994 (Ex.P6) an unequal distribution of the property was done and vide the Will dated 21.04.2010 (Ex.D6) the property has equally been divided amongst all the legal heirs. It is further the contention of the learned counsel that the First Appellate Court has dealt with each and every suspicious circumstance in detail and rejected the same and upheld the judgment and decree passed by the Trial Court.

5. I have heard the learned counsel for the parties.

6. In the present case, the only dispute is qua the Wills dated 15.06.1994 (Ex.P6) and dated 21.04.2010 (Ex.D6). The appellant herein had propounded the Will dated 15.06.1994 (Ex.P6) whereas the respondents herein propounded the Will dated 21.04.2010 (Ex.D6). The suspicious circumstances as enumerated by the learned counsel for the appellant are that the Sub Registrar had been brought to the residence of Amar Nath Dogra for registration of the Will. The testator Amar Nath Dogra was 95 years of age at the time of his death. It has come in the judgment and decree by the First Appellate Court that an application was moved before the Sub-Registrar for registration of the document at the residence as per the provisions of the Registration Act, 1908. The said application was supported by a certificate given by the doctor highlighting the inability of Amar Nath Dogra in visiting the Sub-Registrar's office. On a query by the Court as to whether the appellant had summoned the concerned person from the office of Sub-Registrar to ascertain the facts, learned counsel for the appellant has candidly stated that no such person was summoned.

7. The argument of the learned counsel for the appellant that the Will was written by the son-in-law of Amar Nath Dogra and that by itself is a

suspicious circumstance deserves to be rejected inasmuch as the son-in-law was neither himself a beneficiary of the Will nor was his wife a beneficiary of the Will. Therefore, merely because the son-in-law had drafted the Will and was appointed as an executor and trustee of the Will would not itself be a suspicious circumstance.

8. The third suspicious circumstance as argued by the learned counsel for the appellant that Savdesh Priya Dogra, one of the beneficiaries of the Will, took a prominent part in the execution of the Will inasmuch as he stated in his cross-examination while appearing as DW1 that he was present at the time of the registration of the Will at his residence, also deserves to be rejected. As is apparent from the memo of parties, Savdesh Priya Dogra was residing with his father in the same house. That being so, merely because a person was present at his own residence when the Will was registered, it cannot be said that the person took a prominent part in the execution of the Will. There is no evidence on the record led by the appellant herein to show that any overt act can be attributed to Savdesh Priya Dogra at the time of drafting and registration of the Will.

9. The argument of the learned counsel for the appellant that the Will is typed and the date is written by hand, cannot be considered to be a suspicious circumstance. The Will has been proved by way of cogent evidence. The scribe of the Will – Yash Vardhan Rishi – appeared in the witness as DW3 and the attesting witness of the Will – Suresh Chander Nanda – also stepped into the witness box as DW2 to prove due execution of the Will. Once the due execution of the Will was proved in accordance with law, there is no reason to discard the said Will only on the ground that the date was written by hand and the rest of the Will was typed.

10. The next argument of the learned counsel for the appellant that DW2 - Suresh Chander Nanda – had stated in his cross-examination that the Will had already been typed when he reached, cannot be considered as a suspicious circumstance as there is no mandate of law that a Will is to be typed in the presence of the witnesses. The only requirement of law is as enunciated in Section 63 of the Indian Succession Act, 1956 which reads as under :

“63. Execution of unprivileged wills. - Every testator, not being a soldier employed in an expedition or engaged in actual warfare or an airman so employed or engaged, or a mariner at sea, shall execute his will according to the following rules:—

(a) The testator shall sign or shall affix his mark to the will, or it shall be signed by some other person in his presence and by his direction.

(b) The signature or mark of the testator, or the signature of the person signing for him, shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will.

(c) The will shall be attested by two or more witnesses, each of whom has seen the testator sign or affix his mark to the will or has seen some other person sign the will, in the presence and by the direction of the testator, or has received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person; and each of the witnesses shall sign the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.”

Hence, merely because the Will was not drafted in the presence of the attesting witness would not and possibly cannot be a reason to declare a duly executed Will invalid. As per Section 63 of the Indian Succession Act, 1956, there is no such requirement in law. Accordingly, the argument stands rejected.

11. The argument of the learned counsel for the appellant that the Testator died eight days after the execution of the Will hence the Will ought to have been discarded, also cannot be accepted inasmuch as Amar Nath Dogra was 95 years of age at the time of his death and merely because a person died shortly after the execution of the Will, in the absence of any evidence showing that his death was suspicious or that the Will was not duly executed, cannot by itself be a suspicious circumstance to doubt the veracity of the Will.

12. The Will dated 21.04.2010 (Ex.D6) specifically cancelled the earlier Will dated 15.06.1994 (Ex.P6). Once the Will (Ex.D6) has been proved and has been upheld, the Will dated 15.06.1994 (Ex.P6) has rightly been discarded.

13. No other argument has been raised.

14. In view of the above, no fault can be found with the judgments and decrees passed by both the Courts. No question of law, much less any substantial question of law, arises in the present appeals. The appeals being devoid of any merit are accordingly dismissed. Pending applications, if any, also stand disposed off.

22.09.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO