



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

RSA-1914-2025(O&M)

Date of decision:01.07.2025

Paramjit Singh and another

..Appellants

Versus

Gurbachan Kaur (since deceased) through her Lrs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Eknoor Kaur, Advocate for
Mr. P.S.Gill, Advocate for the appellants

Mr. Rubal Garg, Advocate for the respondents

ANIL KSHETARPAL, J. (Oral)

1. Brief facts:-

1. The defendants assail the correctness of the concurrent findings of fact arrived at by the courts below while decreeing the suit filed by the plaintiff to the effect that she is the exclusive owner of property/house/shop No.3014-C/1 (custodian no. 366-B) situated at Anardana Chowk, Patiala on the basis of the registered Will executed by late Sh. Dilawar Singh on 21.07.1987 with consequential relief of possession.

2. The dispute in the present case is with respect to inheritance of property left behind by late Sh. Dilawar Singh (who died on 26.11.2009) son of Sh.Baba Harnam Singh. He left behind two sons and three daughters including the plaintiff Smt.Gurbachan Kaur (daughter of Sh. Dilawar Singh). The suit was filed by Smt.



Gurbachan Kaur on the basis of the registered Will dated 21.07.1987, claiming property to the exclusion of the other class I heirs. The Will was proved by examining Sh.Net Ram, an attesting witness of the Will. Both the courts have recorded findings of fact to the effect that the Will dated 21.07.1987 executed by Sh.Dilawar Singh has been proved in accordance with Section 68 of the Indian Evidence Act, 1872.

II. Arguments:-

3. Learned counsel representing the appellants has made the following submissions:-

i) The suit property has not been properly identified and described, as the appellant no.1 is residing in property no.3014-A/1 from the time of birth whereas the suit has been filed for property no.3014-C/1.

ii) In the Municipal record there is no entry of Will either during the lifetime of Sh. Dilawar Singh or after his death.

iii) The Will is forged and fabricated.

iv) Sh. Dilawar Singh also executed a registered Will in favour of the appellant on 25.12.2007.

4. Per contra, learned counsel representing the respondents has submitted that there is no dispute with regard to the identification of the property because Sh. Dilawar Singh was exclusive owner of the property i.e House-cum-shop no.3014-C/1 because properties no.3014-A and 3014-B fell to the share of Mota Singh, brother of Sh. Dilawar Singh. In fact, property no.3014 was a single unit.



Subsequently, it was partitioned amongst two brothers namely Dilawar Singh and Mota Singh. Moreover, there is no evidence that Sh. Dilawar Singh at the time of his death was owner of more than one properties. Additionally, the appellant never propounded the Will allegedly executed by Sh. Dilawar Singh in his favour. He filed an application for permission to amend the written statement and permission to file the counter claim, which were dismissed on two separate occasions. The aforesaid orders were upheld by the High Court as well as the Special Leave Petitions were dismissed by the Supreme Court on both the occasions.

III Analysis and Discussion:-

5. This Court has considered the submissions made by the learned counsel representing the parties.

6. It is evident that the suit has been filed with respect to the property house-cum-shop no.3014-C. Both the courts have neither framed any distinct issue with regard to the description of the property nor returned any findings. Hence, it is not found appropriate to interfere with the concurrent findings of fact arrived at by the courts below on this ground.

7. Admittedly, the appellant has failed to propound the alleged Will executed by Sh. Dilawar Singh in his favour. The applications filed by the appellant have already been dismissed.

8. The registered Will shall operate after the death of Sh. Dilawar Singh. Moreover, the Will is a registered Will and the plaintiff filed the suit within a period of one year and two months



from the death of Sh. Dilawar Singh. The plaintiff claims the property on the basis of the aforesaid registered Will. Hence, there is no delay in production of the Will by the plaintiff.

9. The appellant has failed to prove that the registered Will executed by Sh. Dilawar Singh is forged and fabricated. Both the courts have recorded a finding of fact, which is not shown to be suffering from any material error.

IV. Decision:-

10. Keeping in view the aforesaid facts, no ground to interfere is made out.

11. Hence, dismissed.

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

(ANIL KSHETARPAL)
JUDGE

01.07.2025

rekha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No