



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.4512 of 2019 (O&M)

Date of Order:23.01.2025

Gurcharan Singh and others

.Appellants

Versus

Gurjant Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

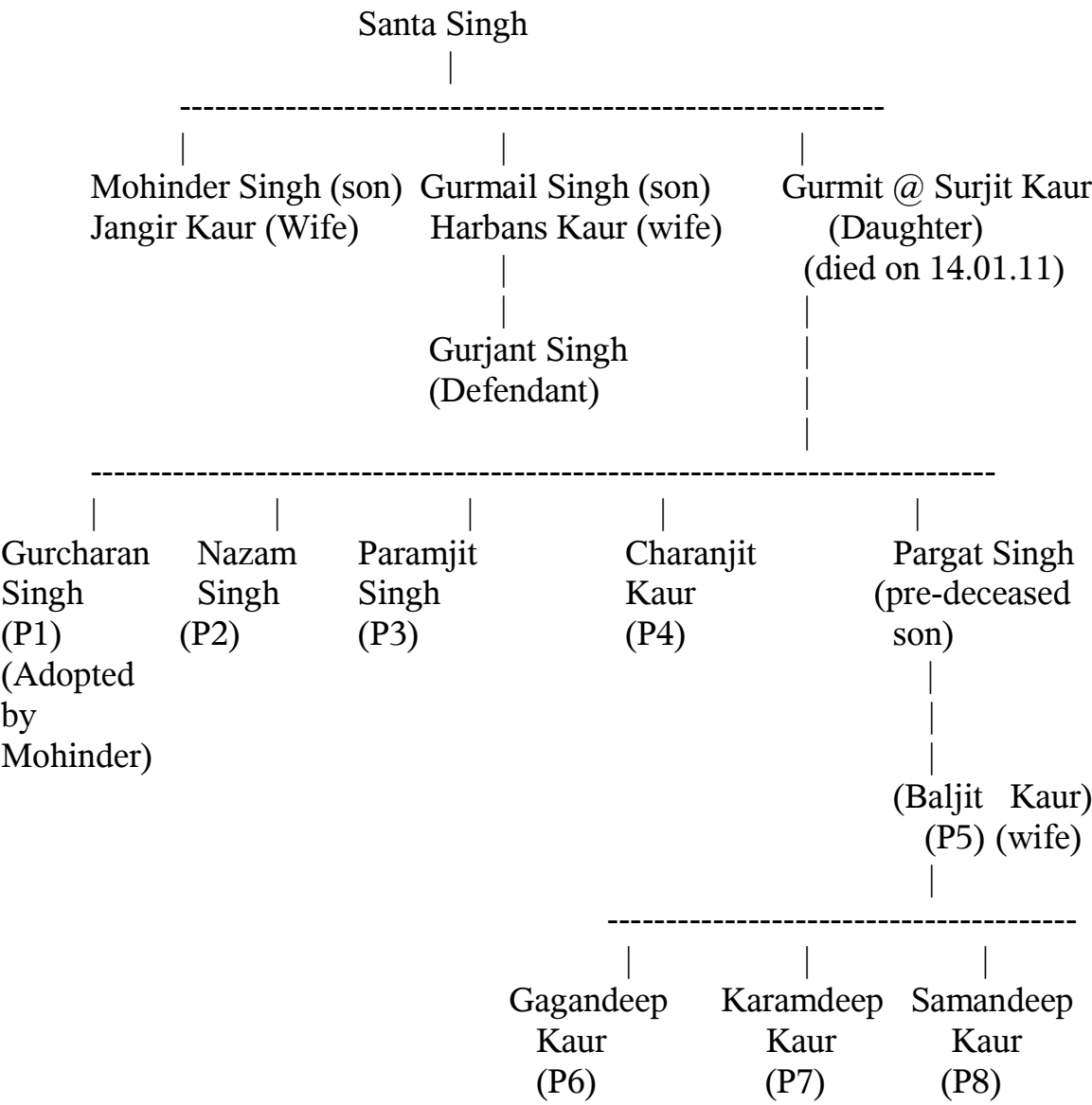
**Present: Mr. Hitesh Verma, Advocate
for the appellants.**

ANIL KSHETARPAL, JUDGE (Oral)

1. The correctness of the concurrent findings of fact arrived at by the courts below while dismissing their suit for declaration is assailed by the plaintiffs.

2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed.

3. Inheritance of property left behind by Smt. Gurmit Kaur, who died on 14.01.2011, is in dispute. The appellants are sons, daughters and grand children of Smt. Gurmit Kaur, whereas the respondent is her nephew (son of pre-deceased brother). The family tree of the parties is extracted as under:-



4. The plaintiffs claim property on the basis of natural succession, whereas Sh. Gurjant Singh claims the property on the basis of registered Will allegedly executed by Smt. Gurmit Kaur in her favour. The execution of the sale deed has been proved by examining the attesting witness Sh. Mukhtiar Singh. The First Appellate Court also summoned the record from the office of Registrar to verify the correctness of the registered Will because there was overwriting with respect to the date of the registration of the Will.
5. Upon appreciation of the evidence, both the Courts have held that the execution of the Will has been proved and it is not surrounded by any suspicious circumstance.



6. The learned counsel representing the appellants contends that though Sh. Mukhtiar Singh signed the Will as attesting witness at the time of its execution, however, his signatures are missing at the time of registration. He submits that the second attesting witness Sh. Hardev Singh has not been examined. He further submits that Smt. Gurmit Kaur has not given any justification for disinheriting her own children and grand children.

7. This court has considered the submissions of the learned counsel representing the appellants.

8. It has come in evidence that Sh. Gurjant Singh's father late Sh. Gurmail Singh @ Bela Singh died when he was very young. On 15.12.2004, two Wills were executed in favour of Sh. Gurjant Singh, one by Sh. Mohinder Singh and second by Smt. Gurmit Kaur. In other words, paternal uncle and paternal aunt of Sh. Gurjant Singh bequeathed their property in favour of their nephew who was an orphan.

9. Smt. Gurmit Kaur has bequeathed the property which was inherited by her from her parents. She has not bequeathed the property which she has received from her husband.

10. With respect to the submission of the learned counsel representing the appellants, it may be noticed that the execution of the Will and registration of the Will are two separate stages. Sh. Mukhtiar Singh has appended his signatures when the Will was executed, however, when the Will was presented for registration, the Registrar failed to get his signatures. Sh. Mukhtiar Singh while appearing in evidence has deposed that he was present at the time of registration of the Will.

11. Keeping in view the aforesaid facts and discussion, no ground

to interfere is made out.

12. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

January 23, 2025
nt

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