



CR-4931-2025 (O&M)

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

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Date of Decision: July 30, 2025

Raj Kumari Amrit Kaur

.....Petitioner

Vs.

Kanwar Manjit Inder Singh (since deceased) through
Lrs and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Prateek Gupta and
Mr. Dharminder Singh Randhawa, Advocates
for the petitioner.

SUDEEPTI SHARMA J. (Oral)

1. Challenge in the present petition is to order dated 05.07.2025 passed in Execution Application no. 521 of 2023 by the learned Addl. Civil Judge (Sr. Division), Chandigarh, vide which the objections filed by the petitioner to the execution application filed by respondent No. 1 for execution of decree under Order 21 Rule 11 CPC of RSA No. 2176-2018 arising out of Civil Suit No. 4193 dated 21.08.2010 previously numbered as Civil Suit No. 75 of 1992, has been dismissed.

2. Brief facts of the case are that the petitioner filed objections under Order 21 Rule 11 CPC in execution filed in the year 2023 titled as '*Kanwar Manjit Inder Singh (since deceased) through LR vs. Maharawal Khewaji' Trust* on the ground that the execution is not maintainable and it was filed by misrepresentation and concealing the true facts from the Court. The application is filed in the execution in a civil suit, which was dismissed by Civil Court and First Appeal against the same was also dismissed and no Regular Second Appeal was filed.

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Initially two civil suits were filed before the Court of Additional Civil Judge (Sr. Division), Chandigarh i.e one Civil Suit No. 4193/21.08.2010 which was previously numbered as Civil Suit No. 75 of 1992, titled as '*Kanwar Manjit Inder Singh (since deceased) through Lrs vs. Maharani Deepinder Kaur and others*' and second Civil Suit No. 473/23.07.2010, titled as '*Raj Kumari Amrit Kaur vs. Maharani Deepinder Kaur and others*'. The civil suit filed by Raj Kumari Amrit Kaur was partly decreed and the civil suit filed by Kanwar Manjit Inder Singh was dismissed, vide common judgment dated 25.07.2013. Thereafter, aggrieved parties filed four appeals/cross objections before the learned Additional District Judge, Chandigarh and all the four appeals and cross objections were dismissed, vide common judgment dated 05.02.2018. Aggrieved against the common judgment of learned First Appellate Court, three RSA's were filed before this Court i.e RSA no. 1418/2018 titled as '*Maharani Deepinder Kaur and others vs. Raj Kumari Amrit Kaur and others*', RSA No. 2006 of 2018 titled as '*Raj Kumari Amrit Kaur vs. Maharani Deepinder Kaur*' and RSA No. 2176-2018 titled as '*Bharat Inder Singh (since deceased) through his Lrs vs. Maharwal Khewaji Trust and others*'. No Regular Second Appeal was filed against dismissal of civil appeal No. 1062/2013 titled as '*Bharat Inder Singh (since deceased) through his Lrs vs. Maharwal Khewaji Trust and others*'. The first objection was that the execution is not maintainable since no RSA was filed by legal heir of Kanwar Manjit Inder Singh before this Court. Further, the High Court has also considered maintainability of civil suit filed by Kanwar Manjit Inder Singh and has held that simplicitor suit for declaration is barred and this finding was upheld by Hon'ble the Supreme Court of India in SLP No. 11206-11208/2020. The objection was that since the High Court found that the suit filed by Kanwar Manjit Inder Singh was not maintainable,

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therefore, no relief of possession can be granted and thus, the execution is not maintainable. Further that the application did not include all the legal heirs of Maharani Mohinder Kaur, as per will dated 29.03.1990 as necessary parties, therefore, the execution is liable to be dismissed on this ground. The objection was regarding the share of applicant as well and the Executing Court cannot go beyond the decree passed by the High Court. On these grounds, the petitioner prayed for dismissal of execution application.

3. Learned counsel for the petitioner contends that the learned Addl. Civil Judge (Sr. Division), Chandigarh, vide order dated 05.07.2025 has wrongly rejected the objections filed by the petitioner. Since, the suit filed by the respondent was suit for declaration simplicitor and finding qua that were given in RSA No. 2176-2018 wherein this Court held it not to be maintainable and since it was the suit for declaration so the execution for possession was also not maintainable. The finding qua the Will by this Court which is upheld by Hon'ble the Supreme Court is only declaratory and cannot be extended to seek possession which the respondent is asking by way of filing execution.

4. I have heard learned counsel for the petitioner and perused the whole file of this case with his able assistance.

5. It would be apposite to reproduce the relevant portion of the impugned order dated 05.07.2025, which reads as under:-

“8. Admittedly, two civil suits were filed before the court of Additional Civil Judge (Sr. Division), Chandigarh. First civil suit i.e. Civil suit no. 4193/21.8.2010, which was previously numbered as Civil Suit no. 75 of 1992, titled as 'Kanwar Manjit Inder Singh (since deceased) through LRs Vs Maharani Deepinder Kaur and

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others, was filed on 04.04.1992. Second civil suit i.e Civil Suit No. 473/23.07.2010, titled as 'Raj Kumari Amrit Kaur Vs Maharani Deepinder Kaur and others' was filed on 15.10.1992. Both the civil suits were decided by a common judgment dated 25.07.2013 passed by Jeaned predecessor of this court and suit filed by Raj Kumari Amrit Kaur was partly decreed with costs and Will dated 01.06.1982 was declared as null and void. Raj Kumari Amrit Kaur was held entitled to joint possession to the extent of half share with defendant no.1 Maharani Deepinder Kaur qua the properties mentioned in Annexure A1 of the suit and second suit titled as Kanwar Manjit Inder Singh (since deceased) through LRs Vs Maharani Deepinder Kaur and others' was dismissed with no order as to costs. Thereafter, appeals were filed before the learned First Appellate Court. First Appeal no.1046/2013 was filed by Maharani Deepinder Kaur and others against Raj Kumari Amrit Kaur and others. Second Appeal No. 1054/2013 was filed by Bharat Inder Singh (since deceased) through his LRs against Maharwal Khewaji Trust and others and third Appeal no. 1062/2013 was filed by Bharat Inder Singh (since deceased) through his LRs against Maharwal Khewaji Trust and others and vide a common judgment dated 05.02.2018, all the appeals and cross objections were dismissed by Ld. Additional District Judge, Chandigarh. Thereafter, parties went in second appeal and three RSAs were filed. The Hon'ble High Court vide order dated 01.06.2020 disposed off all the RSAs and held that:-

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[235]. For the reasons recorded hereinabove, RSA No.2006 of 2018 titled 'Raj Kumari Amrit Kaur vs. Maharani Deepinder Kaur and others' is dismissed.

The claim with regard to succession to the estate of late Raja Harinder Singh on the basis of The Raja of Faridkot's Estate Act, 1948 is not sustainable.

[236].RSA No.1418 of 2018 titled 'Maharani Deepinder Kaur and others vs. Raj Kumari Amrit Kaur and others' is totally devoid of merits. The same is dismissed.

Will dated 01.06.1982 is found to be forged, fabricated and shrouded with suspicious circumstances. Therefore, the same has been rightly discarded by the Courts below and the Trust created thereunder is also held to be unfounded.

[237]. RSA No.2176 of 2018 titled 'Bharat Inder Singh (since deceased) though his LR Kanwar Amarinder Singh Brar vs. Maharwal Khewaji Trust through its Boards of Trustees and others is dismissed with the following observations:-

The claim with regard to succession to the estate and private properties of deceased Raja Harinder Singh on the basis of Law of Primogeniture is dismissed, however the appellant would succeed to proportionate share of late Maharani Mohinder Kaur on the basis of registered Will dated 29.03.1990 executed by her. Maharani

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Mohinder Kaur (mother of Raja) was alive at the time of death of Raja on 16.10.1989 and she being one of the first class heirs of Raja would have succeeded share in the estate/properties of late Raja. Therefore, on the basis of deemed succession/inheritance by Maharani Mohinder Kaur on 16.10.1989 and thereafter to the extent of share conferred by late Maharani Mohinder Kaur upon the appellant by virtue of aforesaid Will dated 29.03.1990 (Ex.D-10), the appellant would succeed to the said proportionate share in the estate of late Raja in accordance with law.

9. *A decree sheet was also passed. The relevant para of decree sheet is reproduced as under:-*

"In the present appeal, preferred by Bharat Inder Singh (since deceased) through his LR Kanwar Amarinder Singh Brar, the estate of Late Raja Harinder Singh Brar has been claimed on the basis of primogeniture.

While dismissing the connected appeals bearing RSA No. 2006 of 2018 and RSA No. 1418 of 2018, it is ordered that the present appeal bearing RSA No. 2176 of 2018 titled 'Bharat Inder Singh (since deceased) through his LR Kanwar Amarinder Singh Brar vs. Maharwal Khewaji Trust through its Boards of Trustees and others' is dismissed with the following observations:-

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The claim with regard to succession to the estate and private properties of deceased Raja Harinder Singh on the basis of Law of Primogeniture is dismissed, however the appellant would succeed to proportionate share of late Maharani Mohinder Kaur on the basis of registered Will dated 29.03.1990 executed by her. Maharani Mohinder Kaur (mother of Raja) was alive at the time of death of Raja on 16.10.1989 and she being one of the first class heirs of Raja would have succeeded share in the estate/properties of late Raja. Therefore, on the basis of deemed succession/inheritance by Maharani Mohinder Kaur on 16.10.1989 and thereafter to the extent of share conferred by late Maharani Mohinder kaur upon the appellant by virtue of aforesaid Will dated 29.03.1990 (Ex. D-10), the appellant would succeed to the said proportionate share in the estate of Late Raja in accordance with law.

10. Thereafter, SLPs were filed before Hon'ble Supreme Court and the Hon'ble Supreme Court of India disposed off the same. The relevant portion of the judgment as discussed in para no.28 is reproduced as under:-

28. Having dealt with the challenges raised in the petition, we direct as under:-

a) All reports statements of accounts and other documents, lodged with this Court, pursuant to interim

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directions issued by this Court, shall immediately be sent by the Registry of this Court to the Trial Court.

b) The Trust shall be entitled to run the Charitable Hospital only upto 30.09.2022, whereafter all the aspects of management, finance and other control including the need for appointment of a Receiver shall be subject to such orders as may be passed by the Court executing the decree in the instant matters.

c) Rest of the properties in the hands of the Trust and/or any other persons shall be maintained in the same form by all the concerned, till appropriate orders are passed by the Court executing the decree passed in the instant matters.

d) With these observations, the Special Leave Petitions are disposed of.

11. *From the order passed by Hon'ble Supreme Court in para no.28, it is clear that the Hon'ble Supreme Court has given direction to this court to execute the decree and that is why the Hon'ble Supreme Court has suggested appointment of receiver and has given liberty to the concerned persons and trust to maintain the properties till the executing court passes any orders. The order of Hon'ble Supreme Court is clear that this court is required to execute the decree passed by Hon'ble High Court. The arguments of learned counsels for the objectors that a simple decree of declaration is not executable is not acceptable because when the*

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Hon'ble Supreme Court has suggested that the appointment of receiver is necessary and executing order is also required to pass orders with respect to the properties which are in possession of trust or any other person, it means that this court being the executing court is required to distribute the estate of late Raja as per the share decided by Hon'ble High Court in its order dated 01.06.2020.

12 The judgments placed on record by learned counsels for the objectors are not disputed but they are not applicable in the present case in view of the specific directions passed by Hon'ble Supreme Court in the present case.

13. So far as issue of non impleadment of all the necessary parties and share of decree holder is concerned, the execution can not be dismissed on this ground. An oral direction has already been given to decree holder to implead all the legal heirs of late Kanwar Manjit Inder Singh and so far as share of decree holder is concerned, that is yet to be decided by this court after impleadment of all the necessary parties.

14. In view of above detailed discussion, the objections of objectors can not be said to be sustainable in this execution petition. Hence, they are hereby dismissed.”

6. A bare perusal of the above shows that the learned Addl. Civil Judge (Sr. Division), Chandigarh, has rather complied with the directions of Hon'ble the Supreme Court of India passed in SLP (C) No. 9151-9153 of 2020 titled as ‘*MAHARANI DEEPINDER KAUR (SINCE DECEASED) THROUGH LRS. VS. Raj*

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Kumari AMRIT KAUR’, therefore, this Court does not find any infirmity in order dated 05.07.2025 passed in Execution Application no. 521 of 2023 by the learned Addl. Civil Judge (Sr. Division), Chandigarh and the same requires no interference by this Court.

7. Accordingly, the present revision petition is dismissed being devoid of any merit.

8. Pending application (s), if any, also stands disposed of.

July 30, 2025

Gaurav Arora

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No