



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

368

Civil Revision No.5320 of 2015
Date of decision: February 18th, 2026

Jagjit Singh and others

...Petitioners

Versus

Charanjit Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajan Bansal, Advocate
for the petitioners.

Mr. Ajay Pal Singh, Advocate
for respondent No1.

VIKAS BAHL, J. (ORAL)

1. This is a civil revision petition under Article 227 of the Constitution of India for setting aside the impugned orders dated 22.07.2015 (Annexure P-5 and Annexure P-6) passed by Civil Judge (Junior Division), Barnala, whereby the Executing Court has dismissed the objections filed by the petitioners. Challenge is also to the order dated 22.07.2015 (Annexure P-7) whereby the Executing Court has allowed the confirmation of sale in favour of respondent No.1-Charanjit Kaur.

ARGUMENTS ON BEHALF OF THE PETITIONERS:

2. Learned counsel for the petitioners has submitted that in the present case Jaswant Kaur, who is the mother of the petitioners as well as respondent No.1, had filed a suit for recovery of ₹1,31,250/- on the basis of pronote and receipt dated 11.07.2000 and the said suit was decreed on 08.01.2005. It is submitted that the said Jaswant Kaur had died and



respondent No.1 filed the execution application. It is argued that in the said execution application, the petitioners had filed objections which are annexed as Annexure P-2 and Annexure P-4. It is submitted that the primary objection taken in Annexure P-2 was to the effect that the Will dated 18.05.2002 propounded by respondent No.1 executed by Jaswant Kaur was forged and fabricated. It is further submitted that in the objections (Annexure P-4), it was stated that Charanjit Kaur had not obtained any succession certificate from any competent Court in her favour before filing the execution application and thus, had violated the provision of Section 214 of the Indian Succession Act, 1925 and since the petitioners were also the natural heirs of Jaswant Kaur, thus, the petitioners should also have been impleaded in the said execution proceedings and the benefit of the decree should be given to the petitioners to the extent of 5/6th. It is submitted that, however, both the aforesaid objections have been dismissed vide two separate orders dated 22.07.2015 (Annexure P-5 and Annexure P-6) and both the said orders deserve to be set aside.

ARGUMENTS ON BEHALF OF CONTESTING RESPONDENT NO.1:

3. Learned counsel for contesting respondent No.1, on the other hand, has submitted that the present petitioners had filed Civil Suit No.100 on 24.12.2005 for declaration and permanent injunction against the present respondent No.1, in which one of the prayer was with respect to claiming amount to the extent of 5/6th share in pursuance of the decree dated 08.01.2005. It is submitted that in the said suit challenge was made to the Will dated 18.05.2002 in favour of respondent No.1 and the said challenge



was rejected vide judgment and decree dated 05.02.2010. It is submitted that the petitioners who were the plaintiffs therein, were not held entitled to declaration regarding receiving 5/6th share of the amount decreed vide Ex.P3 dated 08.01.2005. It is further argued that the appeal against the said judgment has been dismissed by the First Appellate Court and the same has attained finality and thus, the petitioners have no *locus standi* to raise the objection that they should also be made a party in the execution proceedings, which are for executing the decree in favour of the mother of respondent No.1, of whom the respondent No.1 has been held to be the sole legal representative. It is submitted that the judgment of the Civil Court is binding on the Executing Court, more so, when the same is between the same parties. It is thus submitted that the impugned orders have been rightly passed and the present revision petition deserves to be dismissed.

ANALYSIS AND FINDINGS

4. This Court has heard learned counsel for the petitioners and the learned counsel for contesting respondent No.1 and has perused the paper book and is of the opinion that the impugned orders are in accordance with law and deserve to be upheld and the present revision petition is meritless and deserves to be dismissed for the reasons stated hereinafter.

5. Jaswant Kaur had filed a Civil Suit No.51 of 14.02.2003 against Jangir Singh for recovery of ₹1,31,250/- on the basis of pronote and receipt dated 11.07.2000. It is not in dispute that the said suit was decreed vide judgment dated 08.01.2005. It is further not in dispute that on 09.01.2005, Jaswant Kaur died and thereafter respondent No.1-Charanjit Kaur, who is one of the daughters of Jaswant Kaur and had a Will dated 18.05.2002 in her



favour, filed the execution proceedings. The petitioners who are the sons and daughters of Jaswant Kaur had filed objections in the said proceedings. The said objections were dismissed by the Executing Court vide two separate orders dated 22.07.2015. The said orders have been annexed as Annexures P-5 and P-6 and are subject matter of challenge before this Court.

6. A perusal of the order dated 22.07.2015 (Annexure P-5) would show that while deciding the said objections, issues were framed and one of the issues which was framed was whether Jaswant Kaur had executed Will dated 18.05.2002 in favour of respondent No.1 herein Charanjit Kaur. Under the said issue, it was observed that since the Civil Court in a suit instituted by the present petitioners had upheld the Will, which judgment had been upheld by the First Appellate Court, thus, the Will was found to be genuine and the said issue was decided in favour of respondent No.1 herein and against the present petitioners. Under issue No.2, it was observed that it was not open to the petitioners in view of the Will dated 18.05.2002 and the Civil Court judgment to state that they were also the legal heirs of deceased Jaswant Kaur and thus, it was held that the petitioners had no *locus standi* to file the objections. Even issue No.3 with respect to whether the objection petition was not maintainable, was decided against the objectors/petitioners.

7. Since the petitioners had filed another objection application (Annexure P-4), thus a separate order dated 22.07.2015 (Annexure P-6) was passed on the same and a perusal of the same would show that it was observed that when the Civil Court had upheld the genuineness of the Will in favour of Charanjit Kaur, there was no need to seek any probate/succession certificate as the Civil Court had already held that the



said Charanjit Kaur was the sole legal representative of Jaswant Kaur. It was further observed that no probate was necessary on the basis of a Will which was executed in Punjab. Another order dated 22.07.2015 (Annexure P-7) which is also sought to be challenged in the present revision petition is an order vide which the property of judgment debtor/respondent No.2 has been sold and the sale has been confirmed.

8. It is not in dispute that the petitioners had filed a suit for declaration and permanent injunction i.e. Civil Suit No.100 of 24.12.2005, in which the petitioners/plaintiffs had pleaded that since they were the sons and daughters of Jaswant Kaur, thus, they were entitled to 5/6th share of the decretal amount decreed vide judgment and decree dated 08.01.2005. Challenge was also made to the Will dated 18.05.2002 which was executed by Jaswant Kaur in favour of respondent No.1- Charanjit Kaur. In the said suit, under issue No.1, the trial Court after considering detailed evidence upheld the Will dated 18.05.2002. Under issue No.6, it was observed that the entire estate of Jaswant Kaur was inherited by Charanjit Kaur by virtue of the Will and that she was the only person entitled to receive the amount in execution of the decree dated 08.01.2005. It was further specifically observed that the plaintiffs/petitioners herein were not entitled for declaration regarding receiving of 5/6th share of the decretal amount along with interest. Although the said judgment dated 05.02.2010 has not been annexed along with the present petition but a certified copy of the same has been handed over to the Court by the counsel for respondent No.1 and the same is taken on record as Mark 'A'. The relevant portion of the said judgment is reproduced hereinbelow:



*“IN THE COURT OF SHRI RAJEEV KUMAR BERI,
ADDITIONAL CIVIL JUDGE (SENIOR DIVISION),
BARNALA*

Civil Suit No. 100 of 24.12.2005

RBT No.....759 of 4.9.08.

Date of decision:- 5.2.2010.

- 1. Jagjit Singh s/o Jangir Singh,*
- 2. Kuldip Singh s/o Jangir Singh, residents of Bhotna, Tehsil Barnala,*
- 3. Jasvir Kaur d/o Jaswant Kaur w/o Jangir Singh now w/o Bhola Singh, r/o Sekha, Tehsil Barnala,*
- 4. Manjit Kaur d/o Jaswant Kaur w/o Jangir Singh now w/o Raju, r/o Slatapura, Tehsil Phul, Distt. Bhatinda,*
- 5. Sarabjit Kaur d/o Jaswant Kaur w/o Jangir Singh now w/o Nimma, now r/o Saiddo, Tehsil Nihal Singh Wala, Distt. Moga*

....Plaintiffs.

Versus.

Charanjit Kaur d/o Jaswant Kaur w/o Jangir Singh now w/o Gurjant Singh, r/o Sheron, Tehsil Sunam, Distt. Sangrur.

...Defendant.

Suit for declaration and permanent injunction.

Present: Sh. J. S. Sandhu, Advocate, Counsel for Plaintiffs.

Sh. H. S. Ranu, Advocate, Counsel for Defendant.

JUDGMENT:

As plaint reveals, Jaswant Kaur wife of Jangir Singh was real mother of parties to suit. She expired on 9.1.05. Earlier, she had filed a Civil Suit No. 51 of 14.2.03, R.B.T. No.371 of 4.6.04 against Jangir Singh son of Harnam Singh, resident of Patti Lal Chand, Village Bhotna, Tehsil Barnala, which was decreed for Rs. 1,31,250/- with interest @9% p. a. by the Court of Sh. Ajaib Singh, the then learned Civil Judge (Junior Divn.), Barnala. Besides that a sum of Rs. 3,00,000/- was also lying deposited in the name



of said Jaswant Kaur, since deceased, with Punjab & Sind Bank, Branch Bhotna, which plaintiffs are entitled to receive to the extent of 5/6th share. Defendant has filed application for execution of above referred decree dated 8.1.05 passed by Sh. Ajaib Singh, the then learned Civil Judge (Junior Divn.), Barnala, which is pending. In the said Execution Application titled as Charanjit Kaur Versus Jangir Singh, the defendant has filed above referred Will dated 18.5.02 of Jaswant Kaur and has proclaimed that she (Charanjit Kaur defendant) is the only legal heir of Jaswant Kaur on the basis of said Will when actually no such Will was executed and got registered by Jaswant Kaur. Referred Will is result of fraud, connivance of defendant with the witnesses to grab the entire amount of Jaswant Kaur and the share of plaintiffs.

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1. ***Whether Jaswant Kaur, since deceased executed Will dated 18.5.02 in favour of defendant? OPD***
2. *Whether plaintiffs have filed present suit in collusion with Jagjit Singh son of Harnam Singh?OPD*
3. ***Whether plaintiffs have no locus-standi or cause of action to file present suit? OPD***
4. *Whether suit of plaintiffs is not maintainable? OPD*
5. *Whether defendant is entitled for special cost of Rs. 10,000/- u/s 35A of CPC?OPD*
6. ***Whether plaintiffs are entitled for declaration as prayed for?OPP***
7. *Whether plaintiffs are entitled for permanent injunction as prayed for? OPP*
8. *Relief.*

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19. *From above detailed discussion I conclude that defendant has been able to establish on file that the Will dated 18.5.02 Ex. D1 was executed in her favour by Jaswant Kaur. The above detailed circumstances also bring out that it is not a document surrounded by any unjustified, unexplained and suspicious circumstance. This issue is decided in favour of defendant and against the plaintiffs.*

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.....Plaintiffs, therefore, are not entitled for declaration regarding receiving of 5/6 share of such amount of decree Ex. P3 dated 8.1.05, alongwith interest.

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27. *In the sequel to my findings under aforesaid issues, suit of plaintiffs fails and is hereby dismissed, with costs. Decree sheet be prepared and file be consigned to the record room.”*

9. It is not in dispute that the said judgment has been upheld by the First Appellate Court vide judgment and decree dated 10.08.2010. There is nothing on record to show that the said judgment has further been challenged and it is thus apparent that the judgment and decree dated 05.02.2010 has attained finality. It cannot be disputed that the judgment of the Civil Court has binding force. Once the petitioners are held not to be the legal heirs of deceased Jaswant Kaur, who was the decree holder, then the petitioners have no *locus standi* to file objections in the executing proceedings. It is the case of the petitioners that they are wanting to become party so as to receive 5/6th of the decretal amount to which they are not entitled, as has been affirmatively held by the Civil Court. No law has been



cited before this Court to show that once there is a Civil Court decree which has attained finality holding that the petitioners are not the legal heirs of Jaswant Kaur and that the Will executed by the said Jaswant Kaur excludes the present petitioners from her estate, then in the said circumstances also, the said Charanjit Kaur would require to have either a probate or a succession certificate or a letter of administration in her favour to pursue the execution. In fact, the provision of Section 214 of the Indian Succession Act, 1925 indicates that proof of representative title is required to be shown. Once the Civil Court has held respondent No.1-Charanjit Kaur to be the sole legal heir of Jaswant Kaur, then, in the understanding of this Court, the said proof is the best proof to reflect representative title in favour of respondent No.1. At any rate, since the petitioners have been held to be not legal heirs of Jaswant Kaur-decree holder by the Civil Court, thus, the petitioners have no locus standi to claim a right in the decretal amount, in pursuance of the decree in favour of Jaswant Kaur. Similarly, the petitioners have no *locus standi* to challenge the order confirming the sale of the property of respondent No.2/judgment debtor.

10. The Hon'ble Supreme Court in the case of **"Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil"**, reported as **(2010) 8 Supreme Court Cases 329**, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil



Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

11. Keeping in view the above, this Court is of the opinion that the impugned orders do not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned orders are upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

February 18th, 2026

Puneet

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No