



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

RSA-2921-2019 (O&M)
Reserved on : 14.01.2026
Pronounced on : 25.02.2026
Judgment uploaded on : 25.02.2026

*Whether only the operative part of the judgment is pronounced or whether the
full judgment is pronounced: **Full***

BALKAR SINGH

....Appellant

Versus

BAR SINGH AND OTHERS

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rahul Arora, Advocate for the appellant.

ALKA SARIN, J. (Oral)

1. The present regular second appeal has been preferred by the plaintiff No.1-appellant aggrieved by the findings recorded by the learned Trial Court vide judgment and decree dated 22.12.2016 and by the learned First Appellate Court vide judgment and decree dated 29.11.2018.

2. Brief facts relevant to the present *lis* are that the plaintiffs (appellant and proforma respondent No.5 herein) filed a suit for declaration to the effect that they continued to be co-owners/co-sharers in joint possession of land to the extent of 2/3rd share, i.e. 1/3rd share each, of the plaintiffs (appellant and proforma respondent No.5) in suit land measuring 19 Kanal 5 Marla on the basis of a registered Will dated 20.09.1996 in favour of the plaintiffs (appellant and proforma respondent No.5) and Bar Singh (defendant-respondent No.1). It was the case set up that vide Will dated

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20.09.1996 Hukum Singh had bequeathed his properties in equal share to the plaintiffs (appellant and proforma respondent No.5) and Bar Singh (defendant-respondent No.1). It was further the case that the son, namely, Kartar Singh (defendant-respondent No.2 herein) and the married daughters, namely, Amro and Chhindo (defendant-respondents No.3 and 4 herein) were ignored by Hukum Singh in the Will as he had already given the share to Kartar Singh (defendant-respondent No.2) and had solemnized the marriage Amro and Chhindo (defendant-respondents No.3 and 4). An allowance of ₹12,000 per month was also fixed for his wife, namely, Maya Devi, to be paid by all three sons i.e. the plaintiffs (appellant and proforma respondent No.5) and defendant-respondent No.1. However, Maya Devi died prior to his death. It was further the case that Bar Singh (defendant-respondent No.1) was separated by Hukum Singh from his family by providing him land and Bar Singh (defendant-respondent No.1) also took ₹20,000/- in cash from Hukum Singh being his share in tractor-trolley and implements vide receipt dated 06.04.1999. It was further the case that Bar Singh (defendant-respondent No.1) had been threatening the family and that Hukum Singh used to reside with the plaintiffs (appellant and proforma respondent No.5) and there was no reason for Hukum Singh to have executed any transfer deed in favour of Bar Singh (defendant-respondent No.1). However, Bar Singh (defendant-respondent No.1) got transferred land measuring 11 Kanal 16 Marla in his favour vide transfer deed dated 23.09.2009 for a consideration of ₹5,90,000/- and further land measuring 7 Kanal 9 Marla was transferred in his favour vide transfer deed dated 03.08.2010 for an ostensible sale consideration of ₹4,66,000/-. It was the case set up that both the transfer deeds were a result of

fraud, misrepresentation and undue influence. It was further the case that Bar Singh (defendant-respondent No.1) had tried to usurp the property of Hukum Singh and he in connivance with Kartar Singh (defendant-respondent No.2) had filed a civil suit against Hukum Singh on the basis of an alleged family settlement and tried to obtain a collusive decree. On coming to know, the plaintiffs (appellant and proforma respondent No.5) filed an application under Order I Rule 10 CPC and then the said suit was got dismissed as withdrawn.

3. On notice defendant-respondent No.1 appeared and filed his written statement raising various preliminary objections. On merits it was contended that Hukum Singh was not the owner of 19 Kanal 5 Marla but much more land. The date of death of Hukum Singh was admitted. It was denied that he executed a Will dated 20.09.1996. It was denied that defendant-respondent No.1 ever threatened Hukum Singh. It was further the case that plaintiff No.1-appellant was a Stenographer in District Courts, Ferozepur and had influence with police officials and he got a false application on 22.04.2009 filed on behalf of Hukum Singh against defendant-respondent No.1. It was further the stand taken that the transfer deeds were executed by Hukum Singh in order to equally distribute the properties between the legal heirs. Defendant-respondent No.2 also filed his separate written statement denying the averments made in the plaint.

4. Replications were filed. On the basis of the pleadings of the parties the following issues were framed :

1. Whether the plaintiffs are entitled for decree of declaration as prayed ? OPP

2. Whether the transfer deed dated 23.09.2009 and 03.08.2010 are forged and fabricated documents ? OPP
3. Whether the Will dated 20.09.1996 is legal valid and genuine document executed by Hukam Singh in his sound and disposing mind ? OPD
4. Whether the Will dated 05.05.1993 is legal, valid and genuine document executed by Hukam Singh in his sound and disposing mind ? OPD
5. Whether the present suit is bad for non-filing of *ad valorem* court fee ? OPD
6. Whether the present suit is not maintainable for want of cause of action ? OPD
7. Whether the plaintiffs are guilty of concealment of material facts from the Court ? OPD
8. Relief.

5. The Trial Court dismissed the suit vide judgment and decree dated 22.12.2016. Aggrieved by the same an appeal was preferred by the plaintiffs (appellant and proforma respondent No.5) which appeal was also dismissed by the learned First Appellate Court vide judgment and decree dated 29.11.2018. Hence, the present regular second appeal by plaintiff No.1-appellant alone.

6. Learned counsel for plaintiff No.1-appellant contended that both the Courts have erred in dismissing the suit. It is urged that the transfer deeds were a result of forgery and fabrication. It was further contended that the Will dated 20.09.1996 was upheld vide judgment and decree dated 20.02.2016

(Ex.P1) and in view thereof the suit of the plaintiffs (appellant and proforma respondent No.5) ought to have been decreed. It was further contended that the transfer deeds were not proved by defendant-respondents No.1 and 2 in accordance with law.

7. I have heard the learned counsel for plaintiff No.1-appellant and also gone through the record of both the Courts concerned.

8. In the present case there is no dispute regarding the Will dated 20.09.1996. The only dispute in the present case is as to whether the transfer deeds executed by Hukum Singh dated 23.09.2009 and 03.08.2010 (Ex.P12 and Ex.P13) were validly proved. Though the plaintiffs (appellant and proforma respondent No.5) claimed that the execution of the transfer deeds were a result of fraud, misrepresentation and undue influence, however, in the plaint the ingredients of fraud were not pleaded. Further, no evidence was led by the plaintiffs (appellant and proforma respondent No.5) to prove that the transfer deeds were the result of fraud. Hukum Singh died on 06.11.2011 and during his lifetime he did not challenge the transfer deeds dated 23.09.2009 and 03.08.2010 (Ex.P12 and Ex.P13). PW2 Ashok Chugh, who was also the scribe of the transfer deeds (Ex.P12 and Ex.P13), admitted in his cross-examination that he scribed the transfer deeds on the instructions of Hukum Singh in the presence of witnesses and those transfer deeds were also got registered by Hukum Singh. He further stated that Hukum Singh was in sound disposing mind at the time of execution of the transfer deeds. PW3 Sampuran Singh, Lambardar, the attesting witness of the transfer deeds, admitted his signatures on the transfer deeds (Ex.P12 and Ex.P13). It is to be seen that all these witnesses were actually the witnesses produced by the plaintiffs

(appellant and proforma respondent No.5) who duly supported the case of defendant-respondents No.1 and 2 and proved the due execution of the transfer deeds (Ex.P12 and Ex.P13). Though the plaintiffs (appellant and proforma respondent No.5) had not disclosed the fact, however, it came in evidence that Hukum Singh had executed a transfer deed dated 28.08.2002 (Ex.DA) after the execution of the Will dated 20.09.1996 in favour of the plaintiffs (appellant and proforma respondent No.5) and through the said transfer deed he gave 12 Kanal of land to the plaintiffs (appellant and proforma respondent No.5). This further fortifies the stand taken by defendant-respondents No.1 and 2 that the transfers were made to equalize the distribution of land by Hukum Singh. The other evidence which was produced on the record is the application (Ex.P4) alleged to have been filed by Hukum Singh against defendant-respondent No.1. Nothing more was proved on the record as to what action was taken on the basis of the said application. Nothing would also turn on the basis of the withdrawal of the earlier suit. In the absence of having led any cogent and reliable evidence to even remotely suggest that the transfer deeds in favour of defendant-respondent No.1 by Hukum Singh were forged, fabricated or a result of undue influence, no fault can be found with the impugned judgments and decrees passed by both the Courts concerned. Learned counsel for the plaintiff No.1-appellant has been unable to point to any cogent and reliable evidence on the record to prove the allegations made in the plaint. No other point was argued.

9. In view of the above, I do not find any merit in the present appeal. No question of law, much less any substantial question of law, arises for

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determination in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

25.02.2026

Aman Jain

**(ALKA SARIN)
JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*