



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

120

RSA-1758-2024 (O&M)
Date of decision:15.05.2026

DARSHAN SINGH

...APPELLANT

VERSUS

BALWINDER KAUR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Raj Kumar Kakaar, Advocate
for appellant.

PARMOD GOYAL, J. (ORAL)

Present regular second appeal has been filed by appellant-plaintiff being aggrieved by judgment and decree dated 28.01.2020 passed by learned Additional Civil Judge (Senior Division), Zira, whereby suit for declaration and permanent injunction based upon Will dated 05.10.1988 was dismissed and also by judgment and decree dated 28.05.2024 passed by learned Additional District Judge, Ferozepur, whereby first appeal preferred by appellant-plaintiff was also dismissed.

2. Simple case of appellant-plaintiff was that owner of suit property, namely Kartar Singh used to reside with appellant-plaintiff and proforma defendants and had executed a will in favour of appellant-plaintiff and defendant No.6 regarding his property. It was asserted that Kartar Singh was an illiterate and did not register his will dated 05.10.1988. The will was attested by marginal witnesses and thereafter Kartar Singh had died on 05.08.1989. However, in October 2016, when appellant-plaintiff had approached the revenue authorities, it came to his notice that mutation No.1045 regarding inheritance of deceased Kartar Singh was sanctioned in

favour of legal heirs i.e. appellant-plaintiff and defendants.

3. Defendants denied the execution of Will by Kartar Singh and stated that Will dated 05.10.1989 is forged, fabricated and anti dated.

4. Both the learned Courts below, on consideration of evidence led by appellant-plaintiff had concluded Will to be forged and fabricated. Both the learned Courts also noticed that Kartar Singh had died in the year 1989 and despite this fact, appellant-plaintiff had not pressed Will dated 05.10.1988 and allowed mutation of inheritance to exist in revenue records. After the death of Kartar Singh, for more than 25 years, appellant-plaintiff had not pressed his right flowing from alleged Will. Furthermore, it was duly noticed that defendants had duly examined hand-writing and fingerprint expert, who vide his detailed report (Ex.DW1/B), had found disputed signatures Mark Q1 not tallying with standard signatures Mark S1. No evidence was led by appellant-plaintiff to rebut the evidence of fingerprint expert.

5. Learned Courts below have also taken note of the fact that appellant-plaintiff had himself relied upon family partition executed in the year 2004 (Ex.P2/B), however, even at that time, appellant-plaintiff had not pressed Will dated 05.10.1988 though the Will was within his knowledge since the year 1990-1992. It was also noticed that neither the family settlement nor the Will which were not in line with each other have been proved by appellant-plaintiff. Learned Courts accordingly held Will set up by appellant-plaintiff not proved and accordingly upheld natural succession of Kartar Singh.

6. On re-consideration and re-appreciation of evidence, I do not

find any error in the approach of learned Courts below. Both the Courts below have come to the right conclusion from the evidence led by the parties. No other conclusion could be drawn from the evidence led by parties. The appellant-plaintiff has failed to prove due execution of will as signatures were found to be forged by the handwriting and fingerprint expert, whose evidence has gone unrebutted and unchallenged. Moreover, Will is surrounded by suspicious circumstance that same was not pressed in service for 25 years after the death of Kartar Singh and was also not pressed at the time of alleged family partition relied upon by appellant-plaintiff himself. Therefore, in present case, conclusion drawn by both the learned Courts that appellant-plaintiff has failed to prove the Will cannot be held to be erroneous or perverse. Judgments and decrees passed by both the Courts below are affirmed.

7. In view of above discussion, present appeal is dismissed being without any merit.

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

(PARMOD GOYAL)
JUDGE

15.05.2026

Sunil Chander

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>