

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

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RSA-1337-2016 (O&M)

Date of decision : 24.02.2026

Gurdial Singh and others

..... Appellants

versus

Niranjan Singh and others

..... Respondents

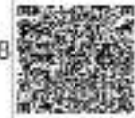
CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harsh Aggarwal, Advocate
for the appellants.

Mr. Amit Arora, Advocate
for respondent No.1.

PANKAJ JAIN, J. (Oral)

1. Defendant No.1 is in appeal.
2. Plaintiffs filed suit seeking decree of declaration to the effect that Jaswant Singh-plaintiff No.2 is owner to the extent of 1/3 share in the joint land of the three brothers and the transfer deeds dated 28.02.2005 and that dated 03.01.2005 executed by Jaswant Singh in favour of Gurdial Singh are illegal, null and void as plaintiff No.2 was suffering from mental illness and is not in a position to know his good and bad.
3. Plaint was filed pleading that plaintiff No.2 Jaswant Singh is a person of unsound mind. Suit was dismissed holding that plaintiff No.1 failed to prove that Jaswant Singh was a person of unsound mind.
4. In the appeal preferred by the plaintiffs, the Lower Appellate Court reversed the findings recorded by the Trial Court and



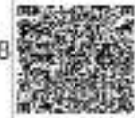
decreed the suit filed by the plaintiffs. It is pertinent to mention here that Jaswant Singh died during the pendency of the suit.

5. Mr. Aggarwal has assailed the findings recorded by the Lower Appellate Court. He submits that there was no evidence on record to hold that plaintiff No.2 was a person of unsound mind. The evidence relied upon by the plaintiffs to prove, is the medical examination of Jaswant Singh conducted during the criminal trial. The same would reveal that Jaswant Singh himself was conscious of the fact that he was living with the appellant-defendant No.1 Gurdial Singh and has accordingly transferred his estate in favour of Gurdial Singh.

6. *Per contra*, Mr. Arora would submit that it is not a case wherein there was no adjudication with respect to mental state of Jaswant Singh. In the earlier *lis* between the parties, Jaswant Singh was medically examined. The examination report was proved on record as PW2/A. The Board comprised under the aegis of Director, Institute of Mental Health, Amritsar found that Jaswant Singh was not only suggestible, but was also amenable to influence. He submits that it is in these circumstances that the Lower Appellate Court decreed the suit.

7. I have heard counsel for the parties and have carefully gone through the records of the case.

8. The dispute in the present case is with respect to the estate of Jaswant Singh. Nand Singh had three sons, namely, Nirranjan Singh, Jaswant Singh and Gurdial Singh. As per defendant No.1, Gurdial Singh validly transferred his share in his favour vide transfer deeds dated 28.02.2005 and 03.01.2005. The fate of the present *lis* hinges on the question:-



(i) whether the said transfer deeds can be held to be valid or not?

9. Plaintiff claims that Jaswant Singh was mentally insane and thus, the transfer deeds being contract executed by an insane person, cannot be said to be valid. Defendant No.1 disputes the same and claims that the transfer deeds were executed by plaintiff No.2 Jaswant Singh of his own volition. It is not disputed that in the earlier *lis* between the parties, Jaswant Singh was medically examined. The report Ex.PW2/A reads as under:-

“Reference your communication dated 24.10.2005 we have examined Jaswant Singh s/o Nand Singh who was an out patient on various occasions. He was registered in the OPD vide Registration no.80938/GMH dated 24-10-2005 and also he was tested psychologically in the psychology department of this hospital.

He is a case of moderate level of mental retardation. He has no psychiatric illness. He was tested in the psychology department for I.Q. on three occasions (two times after the restoration of the eyesight). His current I.Q. is 46 (best score of the three tests) as against the average of 90-110.

He can give the number and name of his brothers. He knows that they can make a claim to the land as they are his brothers. He knows that he has transferred his land in the name of Gurdial Singh his brother with whom he resides, as according to him other brother is not interested in his welfare. It is pertinent to mention the fact that he is a case of moderate level of mental retardation and because of this, he seems to be suggestible and is amenable to be influenced. These facts may be taken into consideration for deciding whether he was competent to have executed the sale deed or not.”

10. Mr. Aggarwal wants to read the report to the benefit of defendant No.1 relying on the observation made by the members of the Board to the following effect:-

“He can give the number and name of his brothers. He



knows that they can make a claim to the land as they are his brothers. He knows that he has transferred his land in the name of Gurdial Singh his brother with whom he resides, as according to him other brother is not interested in his welfare.

11. In the considered opinion of this Court, the plea raised by Mr. Aggarwal cannot be accepted and is misplaced. The report cannot be hair splitted. The aforesaid observations relied upon by Mr. Aggarwal is followed by the following observations:-

“It is pertinent to mention the fact that he is a case of moderate level of mental retardation and because of this, he seems to be suggestible and is amenable to be influenced.”

12. Keeping in view that the medical experts opined that Jaswant Singh was not only a case of moderate level of mental retardation, but was also suggestible and amenable to influence, this Court finds that transfer deeds cannot escape from being declared void. The Lower Appellate Court rightly appreciated the evidence on record and decreed the suit.

13. Finding no merits in the present appeal, the same is ordered to be dismissed.

14. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

24.02.2026
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No