



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

-.-

**RSA-1882-1990 (O&M)
Reserved on:- 01.10.2025
Date of Decision : 09.10.2025**

Santokh Singh (since deceased) through LRs
and Others

...Appellants

VERSUS

Gajjan Singh (since deceased) through LRs
and Others

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. M.L.Sarin, Sr. Advocate with
Ms. Himani Sarin, Advocate for the appellants.

None for legal representatives of respondent No.1.

Mr. Ashok Singla, Advocate
Mr. Aakash Singla and Mr. Ankush Singla, Advocates,
For respondent No.2

Respondent No.3 proceeded against ex-parte
Vide order dated 22.05.2024.

-.-

MANDEEP PANNU, J.

1. This Regular Second Appeal has been filed by the plaintiffs/appellants Santokh Singh and others against the defendants/respondents, challenging the judgment and decree dated 19.05.1990 passed by the learned Lower Appellate Court, whereby the judgment and decree dated 08.01.1987 passed by the learned Trial Court decreeing the suit of the plaintiffs was set aside, and the suit of the plaintiffs came to be dismissed.

Brief Facts

2. Briefly stated, the facts of the case are that plaintiffs Santokh Singh, Sukhdev Singh, and Dalbir Singh, sons of Nirmal Singh, filed a civil suit against



Gajjan Singh, son of Nirmal Singh, and Gurnam Kaur, wife of Surjit Singh, and Amarjeet Kaur, wife of Baldev Singh, both daughters of Nirmal Singh. Thus, Nirmal Singh had four sons and two daughters; three sons are the plaintiffs, while one son and two daughters are the defendants.

3. The plaintiffs filed a suit for declaration to the effect that they are owners in possession to the extent of one-fourth share each in the land described in the headnote of the plaint, situated at village Hasanpur, Tehsil and District Ludhiana, and also sought a decree for permanent injunction restraining the defendants from alienating, transferring, or selling the suit property and from dispossessing the plaintiffs therefrom.

4. It is the case of the plaintiffs that Nirmal Singh, their father, was the exclusive owner in possession of the property in dispute. During his lifetime, he executed a valid Will dated 29.12.1976 in favour of the plaintiffs and defendant No.1, bequeathing his entire property, including the suit land, to them in equal shares. Nirmal Singh expired on 23.01.1984, and upon his death, the plaintiffs and defendant No.1 became owners in possession of the property in dispute to the extent of $\frac{1}{4}$ share each.

5. The plaintiffs alleged that thereafter, the defendants started asserting ownership on the basis of another Will dated 25.10.1983, purportedly executed by Nirmal Singh in their favour, and threatened to alienate the property. The plaintiffs contended that the alleged Will set up by the defendants is forged, fabricated, and inoperative, having no binding effect upon their rights. Hence, the present suit was instituted on 23.05.1984.

6. The defendants appeared and filed a joint written statement contesting the suit. They raised preliminary objections regarding maintainability, locus standi,



and verification of the plaint. On merits, while admitting that Nirmal Singh was the owner in possession of the suit property during his lifetime, they denied the execution of any Will dated 29.12.1976 in favour of the plaintiffs. It was pleaded that Nirmal Singh had, in fact, executed a registered Will dated 25.10.1983 in favour of the defendants out of love and affection and in lieu of services rendered by them to him during his old age.

7. It was further pleaded that Nirmal Singh was being assisted by defendant Gajjan Singh in cultivation of the land, which was partly being looked after through tenants namely Bachitter Singh and Daljit Singh. The plaintiffs, on the other hand, were residing away from the village for over twenty years, had separated in mess, and were not even on visiting terms with Nirmal Singh. The Will propounded by them was alleged to be a false and forged document. It was also mentioned that certain litigation was pending between the plaintiffs and Nirmal Singh during his lifetime before the Court of the learned Senior Sub Judge, Ludhiana. Denying the ownership or possession of the plaintiffs, the defendants prayed for dismissal of the suit.

8. The plaintiffs filed a replication, reiterating their case and denying the allegations of the defendants.

9. From the pleadings of the parties, the learned Trial Court framed the following issues on 17.01.1985:

1. Whether the plaintiffs are entitled to declaration as prayed for?

OPP

2. Whether the suit is not maintainable in its present form? OPD

3. Whether the plaintiffs have got no locus standi to file the present suit? OPD



4. Whether the suit is not properly verified? OPD
5. Whether the plaintiffs have got no cause of action against the defendants? OPD
6. Whether the plaintiffs are entitled to the injunction as prayed for? OPP

Subsequently, the following additional issues were framed on 14.02.1985:

7. Whether Nirmal Singh executed a registered Will dated 29.12.1976 in favour of the plaintiffs and defendant No.1? OPP
8. Whether Nirmal Singh executed a registered Will dated 25.10.1983 in favour of the defendants only? OPD
9. Relief.
10. Both the parties have led their evidence.

Findings of the trial Court

11. The learned Trial Court, while dealing with Issue No. 7, minutely examined the evidence adduced by the plaintiffs to prove the Will Ex.P-1 dated 29.12.1976. It found that the Will stood duly proved through the testimony of Lt. Col. Nahar Singh (PW-3), one of the attesting witnesses, who deposed that he personally knew Nirmal Singh, the father of the parties, and that the said Will was executed by Nirmal Singh in favour of his four sons, namely Santokh Singh, Sukhdev Singh, Dalbir Singh, and Gajjan Singh. The witness stated that the contents of the Will were read over and explained to Nirmal Singh, who, after admitting the same to be correct, signed it in his presence, and that thereafter both the attesting witnesses, including Bachittar Singh, affixed their signatures in his presence. PW-3 also proved his own signatures on the Will and testified that the



testator was in sound and disposing mind at the time of its execution. The learned Trial Court observed that the statement of Lt. Col. Nahar Singh inspired confidence, as he had long and close association with Nirmal Singh, and the choice of his attestation was natural. Supporting evidence was led by PW-4 Santokh Singh, one of the plaintiffs and attorney of his brothers, who proved the relevant powers of attorney and corroborated that Nirmal Singh was the owner in possession of the property and had executed the Will Ex.P-1 in favour of his four sons, which remained his last and valid Will. The Court noticed that the testimony of other witnesses, including Sarwan Singh (PW-2) and Bakhtawar Singh (PW-1), further supported the version that Nirmal Singh resided at village Hashanpur, that the plaintiffs and defendant No. 1 had been attending to him, and that his mental condition was sound. The Trial Court also referred to the statement of Gajjan Singh (DW-1) who admitted that Nirmal Singh had executed Will Ex.P-1 and identified his father's signatures thereon. After weighing the evidence, the Trial Court concluded that the execution and attestation of the Will Ex.P-1 stood duly proved in accordance with law, that the same was voluntarily made by Nirmal Singh in a sound and disposing state of mind, and that it represented his last testament. Issue No. 7 was accordingly decided in favour of the plaintiffs.

12. On Issue No. 8, which concerned the Will Ex.D-2 dated 25.10.1983 propounded by the defendants, the learned Trial Court held that the said Will had not been proved in accordance with the requirements of Section 63 of the Indian Succession Act and Section 68 of the Indian Evidence Act. It observed that both attesting witnesses, Gurbaksh Singh (DW-2) and Gurdev Singh (DW-3), did not depose to having seen Nirmal Singh execute the Will or acknowledge his signatures in their presence. Gurbaksh Singh, an Advocate from Amloh, admitted



that he did not know Nirmal Singh personally, that the Will was neither written nor signed in his presence, and that he signed Ex.D-2 only at the instance of Gajjan Singh, who was both his client and friend. Gurdev Singh similarly stated that Nirmal Singh was not living with Gajjan Singh and that the Will was not executed in his presence. Som Nath (DW-4), the scribe, testified that both witnesses were present at the time of execution but admitted that he too did not personally know Nirmal Singh. The Court found that their depositions, taken together, did not satisfy the statutory requirements of attestation. The learned Trial Court also noted that the signatures of Nirmal Singh at the end of the Will Ex.D-2 and those under the endorsement before the Sub-Registrar appeared to be in different hands, which rendered the document suspicious. In contrast, the statements of Gurnam Kaur (DW-5) and her husband Baldev Singh (DW-6) were found unreliable, as neither of them was present at the time of the alleged execution. Even the defendants' own version that Nirmal Singh had remained ill since 1981 and was not in a sound disposing mind further weakened their case. Consequently, the Trial Court held that the Will Ex.D-2 was a suspicious and unproved document, incapable of reliance. Issue No. 8 was, therefore, decided against the defendants and in favour of the plaintiffs.

13. Finally, learned trial Court decreed the suit in favour of the plaintiffs declaring them to be owners in possession to the extent of 1/4th share each in the suit land and restraining the defendants from alienating and transferring the suit land and from dispossessing the plaintiffs from the same.

Findings of the Lower Appellate Court

14. The learned Lower Appellate Court, on re-appraisal of the entire evidence, observed that the main controversy turned on Issues No. 7 and 8 relating

**RSA-1882-1990 (O&M)**

-7-

to the two Wills of Nirmal Singh. On Issue No. 7, concerning Will Ex.P-1 dated 29.12.1976 set up by the plaintiffs, the Court accepted that the said Will stood duly executed and registered in favour of Nirmal Singh's four sons, namely Santokh Singh, Sukhdev Singh, Dalbir Singh and Gajjan Singh, to the exclusion of his daughters. It found that the evidence of Col. Nahar Singh, PW-3, and Bachittar Singh, Lambardar, established its due execution and attestation, and there was nothing inherently suspicious in its making.

15. Coming to Issue No. 8, relating to Will Ex.D-2 dated 25.10.1983 propounded by the defendants, the learned Lower Appellate Court undertook an elaborate examination of the evidence led by both sides. It noted that the Will Ex.D-2 was scribed by Som Nath, Deed Writer of Amloh, and was purportedly attested by Gurdev Singh and Gurbaksh Singh, Advocate. The Court recounted that according to its recitals, Nirmal Singh had earlier executed another registered Will dated 10.08.1983, which he revoked through this later Will after noticing certain factual errors. The Will recited that the sons Santokh Singh, Sukhdev Singh and Dalbir Singh had been living separately, were disobedient and had neglected him, while the defendants Gajjan Singh, Gurnam Kaur and Amarjit Kaur were looking after him and were dependent upon him. The appellate Court considered that there was no reference in Will Ex.D-2 to the earlier Will dated 29.12.1976, but it contained a clause that any other document bearing the signatures of Nirmal Singh and relied upon by anyone would be of no effect. In appreciation of the oral evidence, it recorded that Gurbaksh Singh (DW-2), Advocate, admitted that he did not know Nirmal Singh personally, that the Will was not scribed in his presence, nor was it read over to Nirmal Singh in his presence, and that he had signed the Will at the instance of Gajjan Singh, his client and friend. Gurdev Singh (DW-3)



similarly stated that he had not seen Nirmal Singh sign the Will, while Som Nath (DW-4) deposed that he scribed it at the instance of Nirmal Singh but himself did not know Nirmal Singh personally. However, the Lower Appellate Court took a contrary view from the trial court by observing that it was improbable for Gurbaksh Singh, an advocate of fourteen years' standing, to have attested the Will without the testator having signed it in his presence, and that there appeared to be a deliberate attempt by him and Gurdev Singh to resile from the true state of affairs under the influence of the plaintiffs. The learned Judge opined that the testimony of the scribe Som Nath lent corroboration to the factum of execution, and the internal recitals of Will Ex.D-2 reflected natural circumstances consistent with the strained relations of Nirmal Singh with his three sons. Relying upon these factors, the Lower Appellate Court concluded that the Will Ex.D-2 appeared to be genuine and represented the last true testamentary disposition of Nirmal Singh in favour of the defendants.

16. The learned Lower Appellate Court ultimately allowed the appeal and dismissed the suit of the plaintiff.

17. Feeling aggrieved, the plaintiffs-appellants preferred the present Regular Second Appeal, which upon notice has been contested only by respondent No.2.

Submissions of the Learned Counsel for the appellants

18. Learned counsel for the appellants has vehemently contended that the learned Lower Appellate Court erred both in law and on facts in reversing the well-reasoned judgment and decree passed by the learned trial court. It is submitted that the trial court had rightly appreciated the oral and documentary evidence on record while holding that the Will Ex.P1 dated 29.12.1976 was the last valid testament



executed by Nirmal Singh in favour of his four sons, whereas the subsequent Will Ex.D2 dated 25.10.1983, set up by the defendants, was a forged and fabricated document. The judgment of the Lower Appellate Court, it is urged, is based on conjectures and misreading of the evidence.

19. Learned counsel for the appellants has further argued that the learned Lower Appellate Court has completely overlooked the fact that both the attesting witnesses to Will Ex.D2, namely Gurbaksh Singh, Advocate (DW2), and Gurdev Singh (DW3), have not supported the execution of the Will. Rather, they categorically stated that Ex.D2 was neither written nor signed in their presence and that Gajjan Singh the principal beneficiary under the Will, had taken them to the Sub-Registrar's office merely to sign the document. Their unshaken depositions make it abundantly clear that the Will was never executed by Nirmal Singh in accordance with the requirements of Section 63 of the Indian Succession Act, 1925, read with Section 68 of the Indian Evidence Act, 1872. Learned counsel further argued that despite both witnesses disowning the execution, they were never declared hostile nor were they cross-examined by the defendants. Therefore, the learned Lower Appellate Court's finding that they had "resiled" from their statements is based purely on conjecture and is legally unsustainable.

20. It is further submitted that the learned Lower Appellate Court has erroneously observed that Gurbaksh Singh, Advocate, being a lawyer of 14 years' standing, would not have attested the Will without execution by the testator, and that Ex.D2 reflects an equitable distribution of property. Such observations, it is urged, are purely speculative and contrary to the record. Learned counsel for the appellants further contended that Will Ex.D2 is surrounded by multiple suspicious circumstances which the defendants have utterly failed to dispel. Firstly, the Will



was registered at Amloh, whereas Nirmal Singh was admittedly a resident of village Hasanpur, District Ludhiana, and the suit property is also situated there. No explanation has been furnished for the choice of Amloh as the place of registration. Secondly, Will Ex.D2 makes no reference to the earlier registered Will Ex.P1 dated 29.12.1976, which was already operative and known to all family members. Instead, it refers to a non-existent Will dated 10.08.1983, which renders the entire recital doubtful. Thirdly, the active participation of Gajjan Singh, the chief beneficiary, in taking the witnesses to sign the Will, shows that he played a prominent role in its preparation and execution, which by itself raises grave suspicion. Fourthly, the Will Ex.D2 was allegedly executed barely three months before the death of Nirmal Singh, who was admittedly unwell and not of sound disposing mind since 1981, as admitted by DW1 Gajjan Singh himself and noticed by the learned trial court at page 49 of its judgment.

21. It is further argued that Ex.D2 is unnatural and improbable inasmuch as it disinherits three sons—Santokh Singh, Sukhdev Singh, and Dalbir Singh—while favouring only one son and two married daughters who were already well settled at Ludhiana and Samrala, as mentioned in Ex.P1. The differences in Nirmal Singh's signatures on Ex.D2 and the endorsement before the Sub-Registrar, as noted by the learned trial court, further strengthen the conclusion that the Will is a forged document. It was also contended that DW1 Gajjan Singh, while admitting the execution of the earlier Will Ex.P1 in his testimony, made no mention whatsoever of Ex.D2, which speaks volumes about the genuineness of the document. Learned counsel also relied upon the authoritative pronouncements of the Hon'ble Supreme Court in *H. Venkatachala Iyengar v. B.N. Thimmajamma (AIR 1959 SC 443)*, particularly paragraphs 19 to 21, and *Janki Narayan Bhoir v.*



Narayan Namdeo Kadam (2003 AIR SC 761), paras 7, 8 and 10, to contend that the propounder of a Will must dispel all suspicious circumstances and prove due execution and attestation strictly in terms of Section 63 of the Succession Act. It is argued that in the present case, neither condition has been fulfilled, and therefore, Ex.D2 cannot be relied upon.

22. Strong reliance is also placed on *Ramachandra Rambux v. Champabai (AIR 1965 SC 354)*, wherein it was held that where the attesting witnesses do not support the execution of the Will and are not declared hostile, the Will must fail for want of due proof. Learned counsel thus prays that the impugned judgment of the Lower Appellate Court be set aside, and the well-reasoned judgment and decree of the learned trial court be restored.

Submissions of learned counsel for the respondents

23. *Per contra*, learned counsel for the respondents has supported the judgment of the learned Lower Appellate Court, arguing that the Will Ex.D2 dated 25.10.1983 was the last and valid testament of Nirmal Singh, executed while he was in sound disposing mind. It is contended that the Will Ex.P1 relied upon by the plaintiffs is an old document of 1976, and in view of the changed circumstances, Nirmal Singh was justified in revoking the same and executing Ex.D2. The Will Ex.D2, it is argued, was duly scribed by Som Nath, Deed Writer, at the instance of Nirmal Singh, and after the contents were read over and explained, Nirmal Singh signed the document in the presence of the scribe and witnesses. Both the attesting witnesses, namely Gurbaksh Singh and Gurdev Singh, were present and had signed the Will, which was thereafter registered. It is submitted that the slight inconsistencies in their statements are immaterial and can be attributed to lapse of memory.



24. Learned counsel for the respondents further submitted that the Will Ex.D2 contains a detailed recital explaining the reasons for exclusion of the three sons, who had separated from Nirmal Singh long ago and were not on visiting terms with him. On the other hand, Gajjan Singh and his wife were serving and maintaining Nirmal Singh till his death, and therefore, there was nothing unnatural in his bequeathing property in their favour. The registration of Ex.D2 at Amloh is also explained by the fact that Som Nath, the scribe, and Gurbaksh Singh, Advocate, were stationed there. It is thus urged that the Will Ex.D2 has been rightly held to be genuine by the learned first appellate court, which, after detailed consideration of the evidence, found the trial court to have erred in discarding a registered Will. The counsel for the respondents has further relied upon the principles laid down in *Janki Narayan Bhoir (supra)* to contend that once at least one of the attesting witnesses is examined, the Will stands duly proved. It is, therefore, prayed that the appeal be dismissed.

Findings of this Court

25. I have heard learned counsel for the parties and gone through the records with due care. The rival contentions revolve around the due execution and validity of Will Ex.D2 dated 25.10.1983, alleged to have been executed by Nirmal Singh in favour of his son Gajjan Singh and two married daughters Gurnam Kaur and Amarjit Kaur. The trial court had disbelieved the said Will while holding the earlier Will Ex.P1 dated 29.12.1976 as genuine. The Lower Appellate Court, however, reversed the judgment of the trial court. The question, therefore, which falls for consideration in the present appeal is whether Will Ex.D2 stands proved in accordance with Section 63 of the Indian Succession Act, 1925 read with Section



68 of the Indian Evidence Act, 1872, and whether the suspicious circumstances surrounding its execution have been dispelled by the propounder.

26. To determine this issue, the statements of DW2 Gurbaksh Singh, DW3 Gurdev Singh, and DW4 Som Nath, relied upon by the defendants to prove Will Ex.D2, are crucial.

27. DW2 Gurbaksh Singh, Advocate from Amloh, deposed that he had been practising since 1972. He categorically stated that he did not know Nirmal Singh personally, that Will Ex.D2 was not scribed in his presence, nor was it read over to Nirmal Singh in his presence. He further clarified that Gajjan Singh, the beneficiary of the Will, had brought him to sign the Will as a witness at his instance, and that Ex.D2 was not written in his presence nor executed by Nirmal Singh before him. He also admitted that Gajjan Singh was both his client and friend. He emphatically denied the suggestion that he had deposed falsely at the instance of Gajjan Singh.

28. DW3 Gurdev Singh, agriculturist, similarly deposed that he knew Gajjan Singh but not Nirmal Singh personally, and that Nirmal Singh was not living with Gajjan Singh at the time of the alleged execution of the Will. He stated that Ex.D2 was not executed by Nirmal Singh in his presence. Like DW2, he admitted that Gajjan Singh was his friend and that no other witness signed the Will in his presence. He also denied the suggestion that he had falsely deposed in favour of Gajjan Singh due to friendship.

29. DW4 Som Nath, the deed writer of Amloh, stated that Ex.D2 was scribed by him at the instance of Nirmal Singh and that both witnesses were present at the time of its execution. He further deposed that he read over the contents to Nirmal Singh, who after admitting the same to be correct, signed it, and



that he (DW4) made an entry in his register at Sr. No. 3381 on 25.10.1983. However, in his cross-examination, he admitted that he did not know Nirmal Singh personally and that Nirmal Singh had merely told him his name at the time of writing the document.

30. On a conjoint reading of the testimonies of these three witnesses, this Court finds that the requirements of Section 63(c) of the Succession Act and Section 68 of the Evidence Act have not been satisfied. Section 63 mandates that the Will must be attested by at least two witnesses, each of whom must have either seen the testator sign the Will or received from the testator a personal acknowledgment of his signature, and that each witness must sign in the presence of the testator. In the present case, both DW2 and DW3, the alleged attesting witnesses, have categorically denied that the Will was signed by Nirmal Singh in their presence. Neither of them received any acknowledgment of his signature, nor do their statements establish that they themselves attested the Will after seeing Nirmal Singh sign it. The scribe, DW4 Som Nath, cannot be treated as an attesting witness as per the settled law laid down by the Hon'ble Supreme Court in *Janki Narayan Bhoir v. Narayan Namdeo Kadam (AIR 2003 SC 761)*, wherein it was held that the scribe of a Will cannot substitute as an attesting witness unless he satisfies all the conditions of Section 63 of the Succession Act.

31. It is also not in dispute that the chief beneficiary of the Will, Gajjan Singh, had taken an active role in its preparation and attestation. Both DW2 and DW3 have unequivocally stated that Gajjan Singh took them to the Sub-Registrar's office to sign the Will. The active participation of the beneficiary in the execution process, without any satisfactory explanation, casts a serious cloud of suspicion over the genuineness of the Will. Furthermore, Gajjan Singh, while appearing as



DW1, admitted the execution of Will Ex.P1 dated 29.12.1976 but did not even mention the subsequent Will Ex.D2 in his deposition, which itself renders the later Will doubtful.

32. Besides, Will Ex.D2 was executed barely three months before the death of Nirmal Singh, who, as per the testimony of Gajjan Singh himself (DW1), had been ill since 1981 and was not in a sound disposing mind. This admission goes to the root of the matter, as the very foundation of a valid Will lies in the free and conscious volition of the testator. Another suspicious circumstance is that Nirmal Singh was a resident of village Hasanpur in District Ludhiana, whereas the Will Ex.D2 was registered at Amloh without any satisfactory reason for this deviation. Moreover, the Will Ex.D2 fails to make any reference to the earlier Will Ex.P1, which was registered and had already been acted upon, and instead refers to a non-existent Will dated 10.08.1983, which further erodes its credibility. The total exclusion of the three sons—Santokh Singh, Sukhdev Singh, and Dalbir Singh, while favouring one son and two married daughters residing at Ludhiana and Samrala, runs contrary to the natural disposition of a father and is inconsistent with the previous conduct of Nirmal Singh as reflected in Ex.P1.

33. The differences in signatures of Nirmal Singh on Ex.D2 and the endorsement before the Sub-Registrar, as noticed by the trial court, lend further weight to the finding that the document is not genuine. No attempt has been made by the defendants to explain these discrepancies or to dispel the cumulative suspicious circumstances surrounding the Will.

34. The law governing the proof of a Will, as enunciated in *H. Venkatachala Iyengar v. B.N. Thimmajamma (AIR 1959 SC 443)*, mandates that when a Will is surrounded by suspicious circumstances, the burden lies heavily on

**RSA-1882-1990 (O&M)**

the propounder to remove all legitimate doubts and to satisfy the conscience of the Court that the document truly represents the free and conscious act of the testator. The same principle was reiterated in *Janki Narayan Bhoir (supra)*, where the Supreme Court held that a Will cannot be said to be duly executed unless at least one attesting witness is examined to prove not only the testator's signature but also the attestation by the other witness, and that if attesting witnesses deny or do not support the execution, the Will must fail.

35. Applying these settled principles, it is evident that the propounders have utterly failed to discharge the burden cast upon them. The testimonies of DW2 and DW3, far from proving the Will, in fact discredit it. The scribe DW4 does not satisfy the statutory requirement of an attesting witness. The surrounding suspicious circumstances, execution at a distant place, absence of mention of the earlier Will, active role of the beneficiary, illness of the testator, and inconsistency in signatures, remain unexplained. Consequently, the due execution and attestation of Will Ex.D2 cannot be said to have been proved in accordance with law.

Conclusion

36. In view of the above discussion, it is held that the Will Ex.D2 dated 25.10.1983 is a forged and fabricated document and cannot be accepted as the true and genuine last testament of Nirmal Singh. The Will Ex.P1 dated 29.12.1976, on the other hand, stands duly proved on record through the reliable and consistent testimony of its attesting witness PW3 Lt. Col. Nahar Singh, corroborated by other evidence on file and even admitted by Gajjan Singh DW1. The findings of the learned Lower Appellate Court reversing the well-reasoned judgment of the trial court are, therefore, unsustainable being based on misreading of evidence and erroneous appreciation of law.



RSA-1882-1990 (O&M)

-17-

37. Accordingly, the judgment and decree dated of the learned First Appellate Court are set aside and those of the learned trial court are restored. The present Regular Second appeal is allowed.

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

October 09, 2025
tripti

(MANDEEP PANNU)
JUDGE

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