

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****117****CR-2984-2025 (O&M)  
Date of decision: 16.05.2025****Santosh Chaudhary****...Petitioner(s)****Vs.****State of Haryana and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Devansh Khanna, Advocate for the petitioner.

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**NIDHI GUPTA, J.**

The present civil revision petition has been filed by the petitioner/plaintiff under Article 227 of The Constitution of India against the order dated 29.04.2025 (Annexure P-4) passed by the Learned Appellate Court in case bearing Civil Appeal No.67 of 2025, thereby dismissing the Application (Annexure P-3) of the petitioner, for staying the operation of judgment and decree 27.03.2025 (Annexure P-1).

2. It is *inter alia* submitted by learned counsel for the petitioner that the petitioner (daughter of the deceased Kanhaiya Lal) filed a Suit for Declaration and consequential relief of Permanent Injunction to the effect that the Will bearing no. 109/3 dated 08.06.2009 registered in the office of Sub-Registrar, Panchkula is illegal, void and a result of fraud. The said Will is executed by deceased Kanhaiya Lal in favor of his two sons; while excluding his wife, and both his daughters - the petitioner, being one of the daughters of Kanhaiya Lal. The Will states that all the existing immovable properties,



future immovable properties, ancestral properties, any compensation any plot or any house, in case deposited in the bank or any finance department, shall be in the name of two sons of Kanhaiya Lal. Accordingly, the petitioner had filed the instant suit. The Suit was dismissed vide the judgment and order dated 27.03.2025; and the said judgment was assailed in Appeal filed by the petitioner which is pending adjudication. Along with the appeal, the petitioner had filed a stay application which has been dismissed vide the impugned order on the ground that the Executing Court will decide entitlement of the petitioner to have share in the compensation amount and hence, the present Civil Revision.

3. Ld. Counsel for the petitioner submits that the trial Court while dismissing the suit of the petitioner vide judgment and decree dated 27.03.2025 (Annexure P-1) has noted in para 2 of the said judgment, that: -

*“.....late Kanhiya Lal while facing the cross-examination has specifically admitted that he had not executed any Will whatsoever in favour of any person and he also admitted that he never appeared before the office of Sub-Registrar, Panchkula for executing the Will.”*

4. It is submitted that therefore, the Will in question was not proved as per law. As such, suit of the petitioner could not have been dismissed. It is contended that in this view of of the matter, operation of the judgment and decree dated 27.03.2025 (Annexure P-1) was liable to be stayed during the pendency of the first appeal. Once the Will is regarded as valid vide the impugned order, the executing court will disburse the same to respondents no.7 and 8 in case the same is not stayed. It is accordingly



prayed that the present revision petition be allowed; and the impugned order dated 29.04.2025 (Annexure P-4) be set aside.

5. No other argument is raised on behalf of the petitioner.

6. I have heard learned counsel for the petitioner and perused the case file in great detail.

7. I find no merit in the submissions made on behalf of the petitioner. Brief background of the case as made out from the record are that:

12.01.2009: The petitioner was disinherited by her deceased father namely Kanhaiya Lal, vide public notice.

08.06.2009: The impugned Will was executed by father of the petitioner.

03.10.2013: It is the case of the petitioner that her father, while facing cross-examination in one of the cases (after 4 years of the registration of the impugned will) stated that he has not executed any Will whatsoever in favor of any person and he also admitted that he never appeared before Sub-Registrar Panchkula for executing the Will.

10.02.2019: The father of the petitioner passed away.

25.03.2019: One of the lands of Kanhaiya Lal had been acquired by the State of Haryana in respect of which compensation amount was lying with respondent no.4. And Execution Application had been filed by Kanhaiya Lal for release of the awarded amount regarding the acquired land which was pending adjudication. In the said Execution Application, the petitioner filed application dated 25.3.2019 before the Executing Court for impleading legal heirs of Kanhaiya Lal i.e. The plaintiff and defendants no.6 to 9; and on the



same date, the respondents no.7 & 8 filed an application for impleadment on the basis of the Will. It is the case of the petitioner that she got knowledge of the impugned Will dated 8.6.2009 on the said date i.e. 25.3.2019.

10.4.2019: Accordingly, petitioner instituted the instant suit.

8. While dismissing the suit of the plaintiff with costs, it was *inter alia* observed by learned trial Court in para 22 of the judgment and decree dated 27.03.2025 (Annexure P-1) as under: -

*“22. Thus, in view of the totality of the circumstances, it can be easily inferred and deduced that no material suspicious circumstance could be manifestly seen in the Will dated 08.06.2009 as the signatures of the testator on the said Will are legible to the naked eye, the disposition of the property has been made by him in accordance with his relationship with his concerned legal heirs, the propounder i.e. defendants No.7 & 8 never took a lead part to receive the substantial benefit as at the time of making of Will, they were in tender years of age and were not capable to manipulate the executor for the purpose of inducing the transfer of the concerned properties in their favour.”*

9. As such, Will No.109/3 dated 08.06.2009 registered in the office of Sub-Registrar, Panchkula was found to be validly executed in favour of defendants No. 7 and 8. Accordingly, learned trial Court had dismissed the suit of the petitioner with costs.

10. The petitioner has filed Civil Appeal dated 09.04.2025 (Annexure P-2) which is pending adjudication, before the learned District Judge, Panchkula. Along with the said appeal, the petitioner had also filed



an application (Annexure P-3) for stay of impugned judgment and decree dated 27.03.2025. The said application has been dismissed by the learned first appellate Court vide order dated 29.04.2025 (Annexure P-4), while correctly observing as under: -

*“It is stand of the appellant that the defendants No. 7 & 8 would claim entire compensation amount before the concerned Court qua acquisition of the land whereas plaintiff has also a right to claim in the share of the compensation amount. In this regard, suffice it to say that the Court concerned where the proceedings with regard to release of the compensation amount qua acquired land is pending, will decide entitlement of the plaintiff to have share in the compensation amount in accordance with law and the compensation amount if released in favour of the defendants No. 7&8 alone, would be subject to the orders of the Court concerned. In these circumstances, only in view of this matter, the prayer made before this Court for staying the operation of the judgment and decree dated 27.03.2025 cannot be accepted.”*

11. Needless to say, in any execution proceedings it shall be open to the petitioner to raise objections, which shall be decided in accordance with law. Moreover, petitioner herself has filed application for impleadment in the execution proceedings. Hence, no ground is made out to interfere in the impugned order dated 29.04.2025 (Annexure P-4).

12. The present civil revision petition is hereby **dismissed**.

13. Pending application, if any, stands disposed of.

**16.05.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No