

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

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**RSA-1354-2025 (O&M)
Date of decision : 23.09.2025**

Manjit Singh**..... Appellant**

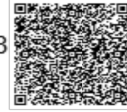
versus

Sukhchain Singh and others**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Lupil Gupta, Advocate and
Mr. Sanjeet Sood, Advocate
for the appellant.

PANKAJ JAIN, J. (Oral)

1. Plaintiff is in appeal aggrieved of judgment and decree passed by both the Courts below dismissing his suit.
2. Plaintiff filed suit for declaration to the effect that he is owner in possession of land measuring 06 kanal 05 marlas as detailed out in the headnote of the plaint being legal heir of Arjun Singh. Further challenge was raised to the mutation regarding inheritance of Arjun Singh in favour of defendant No.1 to 4 and Will dated 10.03.2014 executed by Arjun Singh in favour of defendant No.1 to 4 with the consequential relief of permanent injunction.
3. As per plaintiff, Arjun Singh died leaving behind 55 kanal 17 marlas of land. After his death, estate left by him was mutated wrongly in the names of defendant No.1 to 4. Arjun Singh died leaving behind five sons including him and defendant No.1 to 4, three daughters, defendant No.5 to 7 and widow, i.e. defendant No.8. Each of the nine legal representatives left by Arjun Singh are entitled to inherit



1/9 share and the plaintiff is thus entitled for 06 kanal 05 marlas, out of the estate left by Arjun Singh. As per the plant, Will dated 10.03.2014 alleged to have been executed by Arjun Singh in favour of defendant No.1 to 4 is illegal null and void.

4. Suit was contested by the defendants. As per defendants, Manjit Singh son of Arjun Singh was adopted by Sucha Singh when he was just 5/6 months old. Arjun Singh and his wife Mohinder Kaur gave plaintiff Manjit Singh in adoption to Sucha Singh in the presence of respectables and in the presence of Guru Granth Sahib. Path was chanted. Gur (jaggery) was distributed. Sucha Singh accepted Manjit Singh in adoption. Arjun Singh during his lifetime executed a valid Will dated 10.03.2014. After his death, mutation No.5075 was sanctioned on the basis of Will in favour of defendant No.1 to 4.

5. On the basis of pleadings, Court of the First Instance framed following issues:-

- “1. Whether the plaintiff is entitled to declaration as prayed for?
OPP
2. Whether the plaintiff is entitled to permanent injunction as prayed for ? OPP
- 2-A Whether the plaintiff is entitled to alternative relief for join possession? OPP
3. Whether the present suit is not maintainable in the present form? OPD
4. Whether the plaintiff has suppressed material facts from this Court ? OPD
5. Whether the plaintiff has got no locus standi to file the present suit ? OPD
6. Whether the present suit is not properly valued for the purpose of Court fee and jurisdiction? OPD
7. Relief.”



6. While deciding issue No.1 to 3, Court of the First Instance found that the defendants successfully proved execution of Will dated 10.03.2014 by Arjun Singh son of Santa Singh. Reason of exclusion of plaintiff from the succession of Arjan Singh, has been spelled out in the Will which is adoption of the plaintiff by Sucha Singh. Will having been proved, even if the adoption of the plaintiff is not proved, the plaintiff cannot succeed. Suit filed by the plaintiff was ordered to be dismissed.

7. Unsuccessful plaintiff approached Lower Appellate Court. The findings recorded by the Trial Court stand affirmed.

8. Counsel for the appellant has assailed the findings recorded by the Courts below. He submits that once the defendants pleaded that the plaintiff was given in adoption by Arjan Singh to Sucha Singh, they were required to prove valid adoption. By raising the plea of adoption, the defendants have admitted that the plaintiff is natural son of Arjan Singh. Till the adoption is proved, he cannot be excluded from the succession to the estate of Arjan Singh.

9. I have heard counsel for the appellant and have carefully gone through the records of the case.

10. Counsel for the appellant is right in contending that once the defendants pleaded that the plaintiff was given in adoption by Arjan Singh to Sucha Singh, relationship between the plaintiff and Arjan Singh stands proved. The issue is:

- (i) *Whether the plaintiff can claim inheritance to the estate left by Arjan Singh?*



11. Defendants propounded Will dated 10.03.2014 claimed to have been executed by Arjan Singh in favour of defendant No.1 to 4. In order to prove execution of the Will, they examined Sukhdev Singh and Raghbir Singh the attesting witnesses of the Will as DW3 and DW5 respectively. Ninder Singh scribe of the Will was examined as DW4. Though the plaintiff claimed that the Will was result of forgery and impersonation, however he failed to lead any evidence to prove the same. Both the Courts below concurrently found that the defendants successfully proved execution of Will dated 10.03.2014.

12. Counsel for the appellant has not been able to point out any suspicious circumstance surrounding the Will. In light of the fact that the Will propounded by the defendants stands proved, the issue of adoption of Maljit Singh by Sucha Singh has been rendered secondary. Counsel for the appellant has tried to argue that the adoption of plaintiff by Sucha Singh could not be proved. During the course of arguments, he was asked to show any evidence produced to prove that plaintiff was living with Arjan Singh son of Santa Singh as his son. He fairly concedes that there is no such document on record wherein the plaintiff has been mentioned to be son of Arjan Singh. Thus, it can be safely inferred that plaintiff on adoption got uprooted from family of his birth and got supplanted in his adopted family and is thus living not as son of Arjan Singh, but son of his adoptive father.

13. In view thereof, this Court finds that no fault can be found with the concurrent findings of fact recorded by the Courts below dismissing the claim of the petitioner to succeed to the estate of late Arjan Singh as his son.



14. In view of above, finding no merits in the present appeal same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

23.09.2025

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No