



143

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

**RSA-1322-1992 (O&M)
Date of decision: 08.05.2025**

RULDA SINGH & ORS.

..Appellants

Versus

RAN SINGH (DECEASED) THROUGH LRS. & ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.R. Bhardwaj, Advocate
Mr. H.K. Brinda, Advocate
for the appellants.

None for LRs of respondent No.1.

Mr. Nishan Singh Chahal, Advocate
for respondent No.2(i) and (ii).

ANIL KSHETARPAL, J(Oral)

CM-11525 & 11526-C-2024

1. For the reasons stated in the applications which are supported by the affidavit, the applications for bringing on record the legal representatives of deceased late Sh. Rulda Singh (appellant No.1), Sh. Bhag Singh (appellant No.2), Sh. Karnail Singh (appellant No.3) and Sh. Ran Singh (respondent No.1), are allowed, subject to all the just exceptions.
2. The amended memo of parties is taken on record.
3. CMs stand disposed of.

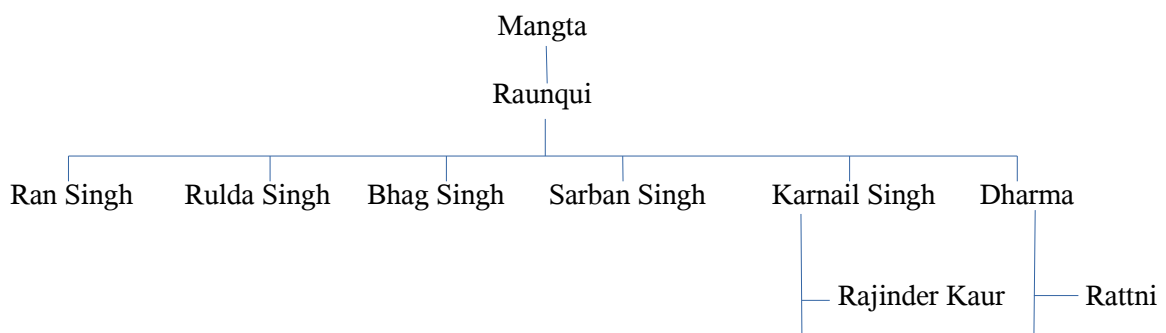


Main case

4. Despite publication of notice in the newspaper, legal representatives of contesting respondent No.1 have not come forward to contest the case.

5. The defendants assail the correctness of First Appellate Court's judgment, which in turn has reversed that of the trial Court. The dispute is with regard to the inheritance of property left behind by Sh. Raunqui, who died on 27.07.1979.

6. The following genealogy illustrates the relationship of the parties:-



7. Sh. Raunqui had six sons out of whom Sh. Dharma predeceased him.

8. Previously, he also executed a sale deed in favour of Smt. Rajinder Kaur wife of Sh. Karnail Singh on 28.03.1977, whereas, he executed a registered will on 19.10.1978 in favour of his four sons namely Sh. Rulda Singh, Sh. Bhag Singh, Sarban Singh and Sh. Karnail Singh.

9. The plaintiff Sh. Ran Singh filed suit for possession claiming that defendants No.1 to 4 have fabricated the Will dated 19.10.1978. The defendants contested the suit claiming that Sh. Raunqui executed a registered Will in their favour as the plaintiff never took care of Sh. Raunqui. The will was proved by examining DW-3 Sh. Amrik Singh, attesting witness and



DW-2 Sh. Karamjit Singh, scribe. The trial Court dismissed the plaintiff's suit, which in appeal was reversed by the First Appellate Court on following two grounds:-

- i. Sh. Raunqui appended his right thumb impression, whereas, normally male member append his left thumb impression.
- ii. In the Will Sh. Raunqui did not refer to Sh. Ran Singh.

10. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

11. A perusal of the registered Will proves that there is a note in the Will, wherein, it has been stated that Sh. Raunqui's left hand is damaged due to diabetes, hence, he has appended his right thumb impression.

12. Moreover, when Sh. Raunqui executed sale deed dated 26.03.1977, in favour of Smt. Rajinder Kaur, his daughter-in-law, he also appended his right hand thumb impression.

13. Thus, the first reason given by the First Appellate Court to doubt the correctness of the Will is erroneous.

14. Similarly, the second reason also lacks substance because it has come in evidence that Sh. Ran Singh started residing separately and he never took any interest in taking care of Sh. Raunqui. Moreover, the Will is a registered Will. The plaintiff has not led any evidence to prove that the Will was never executed by Sh. Raunqui. No effort has been made to prove that Sh. Raunqui never thumb marked the Will.



RSA-1322-1992 (O&M)

-4-

15. Hence, the appeal is allowed. The judgment of the First Appellate Court is set aside and that of the trial Court is restored to its original number.

16. All the pending miscellaneous applications, if any, are also disposed of.

May 08th, 2025

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*