IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Reserved on 12th of September, 2025
Pronounced on 15th of September, 2025

RSA-3668-2015 (O&M)

Tarsem Singh ....Appellant

Versus

Nahar Singh through LRs Bhupinder Singh and another ...Respondents

RSA-3683-2015 (O&M)

Tarsem Singh .... Appellant

Versus

Baljeet Singh and another ...Respondents

RSA-3806-2015 (O&M)

Tarsem Singh .... Appellant

Versus

Nahar Singh through LRs Bhupinder Singh and another ...Respondents

RSA-3950-2015 (O&M)

Tarsem Singh .... Appellant

Versus

Baljeet Singh and another ...Respondents

RSA-5439-2018 (O&M)

Baljeet Singh .... Appellant

Versus

Tarsem Singh and another ...Respondents

RSA-3608-2018 (O&M)

Baljeet Singh .... Appellant

Versus

Nahar Singh (now deceased) and another ...Respondents

RSA-3969-2018 (O&M)

Baljeet Singh .... Appellant

Versus

Nahar Singh (now deceased) and another ...Respondents

RSA-3979-2018 (O&M)

Baljeet Singh .... Appellant

Versus

Nahar Singh (now deceased) and another ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ashish Gupta, Advocate
for the appellant(s) in RSA-3668-2015,
RSA-3683-2015, RSA-3806-2015 and RSA-3950-2015.

Mr. Sartej Singh Narula, Advocate and
Mr. Sidharth Grover, Advocate
for the appellant(s) in RSA-5439-2018,
RSA-3608-2018, RSA-3969-2018 & RSA-3979-2018 and
for respondent No.2 in RSA-3668-2015.

PANKAJ JAIN, J.

These eight appeals arise out of dispute between the same parties who were fighting for the estate left by Jeet Singh, who died unmarried and issueless on 22.12.2001.

2. Nahar Singh filed Civil Suit No.721 of 23.01.2002 seeking decree of declaration to the effect that he is owner in possession of the land

left by Jeet Singh son of Pohla Singh, claiming that Jeet Singh died intestate. He claimed himself to be one of the agnates of Jeet Singh. As per Nahar Singh, all the relatives of Jeet Singh predeceased him. Plaintiff is the only person left related to him by blood. Nahar Singh challenged unregistered WILL propounded by Baljeet Singh, dated 16.12.2001. As per Nahar Singh, the WILL alleged to have been executed by Jeet Singh in favour of defendant No.1, is a forged and fabricated document and is a nullity in the eyes of law. He disputed mutation of inheritance of Jeet Singh on the basis of unregistered WILL, dated 16.12.2001.

3. Defendant No.2 Tarsem Singh filed Civil Suit No.137 of 11.03.2004 claiming himself to be owner and entitled to possession of the land left by Jeet Singh, on the basis of registered WILL dated 23.05.2000.

4. Both the suits were tried together. Suit filed by Nahar Singh was dismissed. Suit filed by Tarsem Singh was decreed upholding registered WILL dated 23.05.2000 propounded by Tarsem Singh. WILL propounded by Baljeet Singh was disbelieved.

5. Four different appeals were filed against the judgment and decree passed by the Trial Court. Two appeals were preferred by Nahar Singh. Two separate appeals were preferred by Baljeet Singh.

6. Lower Appellate Court reversed the findings recorded by the Trial Court *qua* registered WILL dated 23.05.2000 and dismissed the suit filed by Tarsem Singh. Version of Nahar Singh was also rejected holding that Nahar Singh failed to prove his relationship with deceased Jeet Singh.

The Lower Appellate Court disbelieved both the WILLs propounded by Baljeet Singh and Tarsem Singh and at the same time rejected the claim of Nahar Singh on the basis of natural succession and ordered that the estate left by deceased Jeet Singh be estreached to the State.

7. Both, Nahar Singh as well as Tarsem Singh, have preferred four appeals each. In view of above, all the eight appeals are being decided by a common judgment as the *lis* is set up in the background of same questions of fact and involves same question of law.

8. Since Baljeet Singh has not preferred any appeal against the findings recorded by the Courts below and Courts below concurrently found that the WILL propounded by him could not be proved, this Court does not find any reason to interfere in the said findings. Findings recorded by the Courts below regarding WILL dated 16.12.2001 are thus ordered to be maintained.

9. The issues that require consideration of this Court are:

a) the validity of registered WILL dated 23.05.2000.

b) the right of Nahar Singh as agnate of deceased Jeet Singh.

10. In the considered opinion of this Court in case the WILL dated 23.05.2000 propounded by Tarsem Singh is held to be valid, right of Nahar Singh will need no adjudication.

11. WILL dated 23.05.2000 is a registered WILL. Both the attesting witnesses of the same namely Harbans Singh Lamberdar and

Makhan Singh were examined as DW-10 and DW-11 respectively. Scribe of the WILL, Vinod Kumar Goyal was examined as DW-12. Both the Courts below have concurrently found that the execution of WILL stands proved by the testimony of attesting witnesses and the scribe. The Lower Appellate Court reversed the findings recorded by the Trial Court and disbelieved the WILL, Exhibit D-19 holding the same to be surrounded by suspicious circumstances.

12. Trite it is that propounder of the WILL is not only required to prove execution of the WILL but is also required to dispel suspicious circumstances if any.

13. The Supreme Court in the case of **'Shivakumar and others vs. Sharanabasppa and others', (2021) 11 SCC 27**7 considered series of case law to cull out the following principles to adjudicate upon the WILL:

> "xxxx xxxx xxxx
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> 1. Ordinarily, a will has to be proved like any other document; the test to be applied being the usual test of the satisfaction of the prudent mind. Alike the principles governing the proof of other documents, in the case of will too, the proof with mathematical accuracy is not to be insisted upon.
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> 2. Since as per Section 63 of the Succession Act, a will is required to be attested, it cannot be used as evidence until at least one attesting witness has been called for the purpose of proving its execution, if there be an attesting witness alive and capable of giving evidence.
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> 3. The unique feature of a will is that it speaks from the death of the testator and, therefore, the maker thereof is not available for

deposing about the circumstances in which the same was executed. This introduces an element of solemnity in the decision of the question as to whether the document propounded is the last will of the testator. The initial onus, naturally, lies on the propounder but the same can be taken to have been primarily discharged on proof of the essential facts which go into the making of a will.

4. The case in which the execution of the will is surrounded by suspicious circumstances stands on a different footing. The presence of suspicious circumstances makes the onus heavier on the propounder and, therefore, in cases where the circumstances attendant upon the execution of the document give rise to suspicion, the propounder must remove all legitimate suspicions before the document can be accepted as the last will of the testator.

5. If a person challenging the will alleges fabrication or alleges fraud, undue influence, coercion et cetera in regard to the execution of the will, such pleas have to be proved by him, but even in the absence of such pleas, the very circumstances surrounding the execution of the will may give rise to the doubt or as to whether the will had indeed been executed by the testator and/or as to whether the testator was acting of his own free will. In such eventuality, it is again a part of the initial onus of the propounder to remove all reasonable doubts in the matter.

6. A circumstance is “suspicious” when it is not normal or is “not normally expected in a normal situation or is not expected of a normal person”. As put by this Court, the suspicious features must be “real, germane and valid” and not merely the “fantasy of the doubting mind”.

7. As to whether any particular feature or a set of features qualify as “suspicious” would depend on the facts and circumstances of each case. A shaky or doubtful signature; a feeble or uncertain mind of the testator; an unfair disposition of property; an unjust exclusion of the legal heirs and particularly the dependents; an active or leading part in making of the will by the beneficiary

> thereunder et cetera are some of the circumstances which may give rise to suspicion. The circumstances above-noted are only illustrative and by no means exhaustive because there could be any circumstance or set of circumstances which may give rise to legitimate suspicion about the execution of the will. On the other hand, any of the circumstances qualifying as being suspicious could be legitimately explained by the propounder. However, such suspicion or suspicions cannot be removed by mere proof of sound and disposing state of mind of the testator and his signature coupled with the proof of attestation.
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> 8. The test of satisfaction of the judicial conscience comes into operation when a document propounded as the will of the testator is surrounded by suspicious circumstance(s). While applying such test, the court would address itself to the solemn questions as to whether the testator had signed the will while being aware of its contents and after understanding the nature and effect of the dispositions in the will?
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> 9. In the ultimate analysis, where the execution of a will is shrouded in suspicion, it is a matter essentially of the judicial conscience of the court and the party which sets up the will has to offer cogent and convincing explanation of the suspicious circumstances surrounding the will.
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> xxxx xxxx xxxx"

14. Thus, a circumstance can be held to be suspicious only when it is not normal. It means either the conduct of testator is not normal or the covenant contained in WILL is abnormal or false.

15. Lower Appellate Court in the present case while enlisting suspicious circumstances surrounding the WILL dated 23.05.2000, observed as under:

> "xxxx No doubt, Tarsem Singh has examined Harbans

Singh namberdar (DW10) and Makhan Singh (DW11), who are attesting witnesses, to prove due execution of the Will, as well as Vinod Kumar Goyal (DW12), who is scribe of the impugned Will Ex.D19, but this Will is also surrounded by suspicious circumstances. Undisputedly, Tarsem Singh is not related to deceased Jeet Singh in any manner. Tarsem Singh, while appearing in the witness box as DW14, has taken the plea that he used to serve deceased Jeet Singh during his life time till his death and the deceased was treating him just like his real nephew, but there is not an iota of evidence on the file that Tarsem Singh served Jeet Singh during his life time. Not a single witness has been examined to prove that Tarsem Singh used to take meals to the house of Jeet Singh or Jeet Singh used to visit the house of Tarsem Singh to eat his meals. When cross-examined, Tarsem Singh admitted that he is having separate ration-card with his family members, including mother, wife, son and daughter. He could very well examine any of the female member of his house or son to say a single word that they used to deliver packed meals to Jeet Singh at his residence or the meals were being cooked at their home for Jeet Singh. It is not the case of Tarsem Singh that he himself was cooking meals for Jeet Singh during his life time by visiting his home or used to bring the same from a Dhaba or a Hotel. Simply saying that he used to serve the deceased during his life time is not sufficient to prove that the Will was executed by deceased Jeet Singh in his favour out of love and affection. Further, Tarsem Singh has taken the plea that he was being treated as nephew by deceased Jeet Singh, but not even a single witness has been examined to prove that he was calling deceased Jeet Singh by saying him as chacha (uncle). The contents of the Will also creates doubt regarding its genuineness. It has been written in the Will that if any brother or sister will claim/dispute this Will, they would have no right or interest in his property (property of the testator). Admittedly, deceased Jeet Singh died wifeless and issueless. He was having no brother or sister. The other relatives i.e. parents, grandparents, etc, also predeceased him. When the deceased was having no brother or sister, there was no need to write in the Will with regard to claim of any brother or

> sister. This is one of the major suspicious circumstance creating doubt with regard to genuineness of the Will. Admittedly, Tarsem Singh was working as Peon in Cooperative Agriculture Services Society, Sukhanand. Makhan Singh (DW11), one of the attesting witness, was a member of the said Society, and Harbans Singh namberdar (DW10), other attesting witness of Will, was admittedly used to purchase fertilizers from the said Society. It appears that being related to each other on account of members of the Society, Tarsem Singh procured the Will in question in connivance with Harbans Singh namberdar and Makhan Singh.xxx"

16. In the considered opinion of this Court, Lower Appellate Court erred in holding that the WILL is surrounded by suspicious circumstance. Absence of relationship between Tarsem Singh and Jeet Singh cannot be held to be a suspicious circumstance. WILL, by its very nature is a departure from natural succession. Privy Counsel in the case of **'Motibai Harmusjee vs. Jemsetjee Hormusjee', AIR 1924 PC 28**, observed as under:

> "A man may act foolishly and even heartlessly; if he acts with full comprehension of what he is doing, the Court will not interfere with the exercise of his volition."

17. Relying upon the afore-stated observations made by Privy Council in **Motibai Harmusjee's case (supra)**, Supreme Court in **Surendra Pal v. Dr. (Mrs.) Saraswati Arora, (1974) 2 SCC 600** held that:

> "It is not for us to fathom the motivations of a man. His actions and reactions are unpredictable as they depend upon so many circumstances. There is, however, always some dominant and impelling circumstance which motivates a man's action though in

> some cases even a trivial and trifling cause impels him to act in a particular way which a majority of others may not do. At times psychological factors and the frame of mind in which he is, may determine his action."

18. Same view was followed by this Court in the case of **Smt. Rajeshwari Rani Pathak vs. Smt. Nirja Guleri and others, 1977 AIR (P&H) 123**, wherein while dealing with the issue of suspicious circumstance and the conscience of the Court, this Court observed as under:-

> "xxxx xxxx xxxx
> ……In the final analysis, it is the conscience of the Court that has to be satisfied and as such, the nature and quality of proof must be commensurate with the requirement to satisfy that conscience. The important question in each case is: What is the suspicion which a reasonable man will entertain in the circumstances of a case.
> xxxx xxxx xxxx"

19. Same sentiment was echoed in the case of '**Swarnalatha and others vs. Kalavathy and others', 2022 AIR Supreme Court 1585** wherein the Supreme Court observed as under:-

> "xxxx xxxx xxxx
> 25. The law relating to suspicious circumstances surrounding the execution of a Will is already well-settled and it needs no reiteration. It is enough if we make a reference to one of the recent decisions of this Court in Kavita Kanwar v. Mrs. Pamela Mehta1 where this Court referred to almost all previous decisions right from H. Venkatachala Iyengar v. B.N. Thimmajamma2. But cases in which a suspicion is created are essentially those where either the signature of the testator is disputed or the mental capacity of the testator is questioned. This can be seen from the fact that almost all previous decisions of this Court referred to in Kavita

> Kanwar (supra) list out circumstances, which in the context of the lack of sound and disposing state of mind of the testator, became suspicious circumstances. In the matter of appreciating the genuineness of execution of a Will, there is no place for the Court to see whether the distribution made by the testator was fair and equitable to all of his children. The Court does not apply Article 14 to dispositions under a Will.
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> xxxx xxxx xxxx"

20. Likewise, Tarsem Singh not being in knowledge of the name of the mother of Jeet Singh hardly makes any difference. It has come on record that Tarsem Singh as well as Jeet Singh were residents of same village. Testator in WILL claimed that he is being taken care of by Tarsem Singh. It stands proved that WILL was validly executed by Jeet Singh as per Section 63(c) of the Indian Succession Act, 1925. Tarsem Singh is merely working as a Peon in the Cooperative Society. There is no plea raised by Nahar Singh that the WILL propounded by Tarsem Singh is forged and fabricated. There is no evidence to suggest that Jeet Singh, at the time of execution of WILL dated 23.05.2000, was incapacitated in any manner. None of the circumstances enlisted by the Lower Appellate Court to dislodge the WILL, cannot be said to be such that would fall within the category of 'suspicious circumstance'.

21. In view thereof, this Court finds the circumstances recorded by the Lower Appellate Court to be suspicious and strong enough to dislodge the registered WILL in favour of Tarsem Singh which otherwise stands proved in terms of Section 63(c) of the 1925 Act, cannot be held to be suspicious in terms of ratio of law laid down by Supreme Court in

Shivakumar's case (supra).

22. Execution of the WILL having been proved and there being no circumstance that exhibits the testator acted in a manner which is not worthy of a prudent man, this Court finds that the Lower Appellate Court erred in dislodging the WILL spelling out certain circumstances as suspicious merely on the basis of surmises and conjectures.

23. It is now settled proposition of law that in Punjab and Haryana, the second appeals preferred are to be treated as appeal under Section 41 of the Punjab Courts Act, 1918 and not Section 100 of the Code of Civil Procedure. Reference can be made to a judgment of Supreme Court in the case of **'Pankajakshi (dead) Through LRs and others vs. Chandrika and others', (2016) 6 SCC 157**, wherein it has been held as under:-

> "xxxx xxxx xxxx
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> 23. Shri Viswanathan also relied upon a Division Bench judgment of this Court in Kulwant Kaur v. Gurdial Singh Mann [Kulwant Kaur v. Gurdial Singh Mann, (2001) 4 SCC 262] , to submit that this decision is an authority for the proposition that there is no need to expressly refer to a local law when the legislative intent to repeal local laws inconsistent with the Code of Civil Procedure is otherwise clear.
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> 24. The judgment in Kulwant Kaur case [Kulwant Kaur v. Gurdial Singh Mann, (2001) 4 SCC 262] raised a question which arose on an application of Section 41 of the Punjab Courts Act, 1918. This section was couched in language similar to Section 100 of the Code of Civil Procedure as it existed before the Code of Civil Procedure (Amendment) Act, 1976, which amended Section 100 to make it more restrictive so that a second appeal could only be filed if there was a substantial question of law involved in the matter.

The question this Court posed before itself was whether Section 41 stood repealed by virtue of Section 97(1) of the Code of Civil Procedure (Amendment) Act, 1976, which reads as under :

> "97. Repeal and savings.—(1) Any amendment made, or any provision inserted in the principal Act by a State Legislature or a High Court before the commencement of this Act shall, except insofar as such amendment or provision is consistent with the provisions of the principal Act as amended by this Act, stand repealed."

This Court concluded that Section 41 of the Punjab Courts Act was repealed because it would amount to an amendment made or provision inserted in the principal Act by a State Legislature. This Court further held that, in any event, Section 41 of the Punjab Courts Act being a law made by the Legislature of a State is repugnant to a later law made by Parliament, namely, Section 97(1) of the Code of Civil Procedure (Amendment) Act, 1976, and that therefore, by virtue of the operation of Article 254 of the Constitution of India, the said provision is in any case overridden. In arriving at the aforesaid two conclusions, this Court held [Kulwant Kaur v. Gurdial Singh Mann, (2001) 4 SCC 262.

> "27. Now we proceed to examine Section 97(1) of the Amendment Act and the amendment of Section 100 CPC by the said 1976 Act. Through this amendment, right to second appeal stands further restricted only to lie where, 'the case involves a substantial question of law'. This introduction definitely is in conflict with Section 41 of the Punjab Act which was in pari materia with unamended Section 100 CPC. Thus, so long there was no specific provision to the contrary in this Code, Section 4 CPC saved special or local law. But after it comes in conflict, Section 4 CPC would not save, on the contrary its language implied would make such special or local law inapplicable. We may examine now the submission for the respondent based on the language of Section 100(1) CPC even after the said amendment. The reliance is on the following words:
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> '100. Second appeal.—(1) Save as otherwise expressly provided … by any other law for the time being in force….'
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> These words existed even prior to the amendment and are unaffected by the amendment. Thus, so far it could legitimately be submitted that, reading this part of the section in isolation it saves the local law. But this has to be

> read with Section 97(1) of the Amendment Act, which reads:
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> '97. Repeal and savings.—(1) Any amendment made, or any provision inserted in the principal Act by a State Legislature or a High Court before the commencement of this Act shall, except insofar as such amendment or provision is consistent with the provisions of the principal Act as amended by this Act, stand repealed.' (Noticed again for convenience.)
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> 28. Thus, language of Section 97(1) of the Amendment Act clearly spells out that any local law which can be termed to be inconsistent perishes, but if it is not so, the local law would continue to occupy its field.
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> 29. Since Section 41 of the Punjab Act is expressly in conflict with the amending law viz. Section 100 as amended, it would be deemed to have been repealed. Thus, we have no hesitation to hold that the law declared by the Full Bench of the High Court in Ganpat [Ganpat v. Ram Devi, AIR 1978 P&H 137] cannot be sustained and is thus overruled."

25. We are afraid that this judgment in Kulwant Kaur case [Kulwant Kaur v. Gurdial Singh Mann, (2001) 4 SCC 262] does not state the law correctly on both propositions. First and foremost, when Section 97(1) of the Code of Civil Procedure (Amendment) Act, 1976 speaks of any amendment made or any provision inserted in the principal Act by virtue of a State Legislature or a High Court, the said section refers only to amendments made and/or provisions inserted in the Code of Civil Procedure itself and not elsewhere. This is clear from the expression "principal Act" occurring in Section 97(1). What Section 97(1) really does is to state that where a State Legislature makes an amendment in the Code of Civil Procedure, which amendment will apply only within the four corners of the State, being made under Schedule VII List III Entry 13 to the Constitution of India, such amendment shall stand repealed if it is inconsistent with the provisions of the principal Act as amended by the Parliamentary enactment contained in the 1976 Amendment to the Code of Civil Procedure. This is further made clear by the reference in Section 97(1) to a High Court. The expression "any provision inserted in the principal Act" by a High Court has reference to Section 122 of the Code of Civil Procedure by which High Courts may make rules regulating their own procedure, and the procedure of civil courts subject to their

superintendence, and may by such rules annul, alter, or add to any of the rules contained in the First Schedule to the Code of Civil Procedure.

26. Thus, Kulwant Kaur [Kulwant Kaur v. Gurdial Singh Mann, (2001) 4 SCC 262] decision on the application of Section 97(1) of the Code of Civil Procedure (Amendment) Act, is not correct in law.

27. Even the reference to Article 254 of the Constitution was not correctly made by this Court in the said decision in Kulwant Kaur case [Kulwant Kaur v. Gurdial Singh Mann, (2001) 4 SCC 262] . Section 41 of the Punjab Courts Act is of 1918 vintage. Obviously, therefore, it is not a law made by the Legislature of a State after the Constitution of India has come into force. It is a law made by a Provincial Legislature under Section 80-A of the Government of India Act, 1915, which law was continued, being a law in force in British India, immediately before the commencement of the Government of India Act, 1935, by Section 292 thereof. In turn, after the Constitution of India came into force and, by Article 395, repealed the Government of India Act, 1935, the Punjab Courts Act was continued being a law in force in the territory of India immediately before the commencement of the Constitution of India by virtue of Article 372(1) of the Constitution of India. This being the case, Article 254 of the Constitution of India would have no application to such a law for the simple reason that it is not a law made by the Legislature of a State but is an existing law continued by virtue of Article 372 of the Constitution of India. If at all, it is Article 372(1) alone that would apply to such law which is to continue in force until altered or repealed or amended by a competent legislature or other competent authority. We have already found that since Section 97(1) of the Code of Civil Procedure (Amendment) Act, 1976 has no application to Section 41 of the Punjab Courts Act, it would necessarily continue as a law in force. Shri Viswanathan's reliance upon this authority, therefore, does not lead his argument any further.

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24. Issue related to construction of a document from which the rights of the litigating parties emanate constitutes question of law. Reliance can be placed upon '**Chaman Lal vs. Kamlawati', (2020) 11 SCC 693,** wherein it has been held as under:-

> "xxxx xxxx xxxx
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> 9. On consideration of the matter, we find that the High Court cannot be said to have exceeded its jurisdiction, as has to be exercised within the ambit of Section 41 of the Punjab Court Act. We say so as the fulcrum of the dispute was the gift deed itself being the document in question. The document was originally penned down in Urdu with the Persian dialect and was thereafter translated to the Punjabi language. The next translation was done in English as also the transliteration. Thus, there would be a reliance on an inaccurate document if the translation and the transliteration was not accurate. This is the objective which was sought to be subserved by getting an authenticated translation done in the High Court and the concession/submission of the appellants herein recorded in order dated 02.04.2002 [Kamla Wati v. Chaman Lal, RSA No.3888 of 1999, order dated 2-4-2002 (P&H)] in respect of the translation, albeit the order being set aside. The acknowledgment of both the parties to the accuracy of the translation and the transliteration could not be doubted thereafter. If the substratum being the document has been inaccurately translated then there would be a fundamental legal infirmity in the interpretation to be given and in determining the controversy in question. We are thus not inclined to accept this preliminary objection sought to be raised by learned senior counsel for the appellant on the right of the High Court to look into the question on merits.
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> 10. We are fortified in our aforesaid view by earlier judicial pronouncements. We may note that these judgments are in the context of the provisions for second appeal under

> Section 100 of the said Code as it existed prior to the amendment of 1976, which is almost pari materia to the existing provision which applies to Punjab (as noticed in Pankajakshi v. Chandrika, (2016) 6 SCC 157 in para 24]. Per se construction of documents (unless documents of title) to prove a question of fact do not involve an issue of law unless it can be shown that the material evidence contained in that was misunderstood by the court of fact. [Nedunuri Kameswaramma v. Sampati Subba Rao, (1963) 2 SCR 208 : AIR 1963 SC 884] In the facts of the present case we are, in fact, dealing with a document of title, i.e., the Gift Deed. Thus, there can be little doubt that if the translation of the document itself is not correctly done, an aspect which was addressed to by the High Court by getting the translation done, which was accepted, then the correct translation would have to be re-construed. It is this principle, which was recognized in Chunilal V. Mehta & Sons Ltd. v. Century Spg. & Mfg. Co. Ltd., AIR 1962 SC 1314 while observing in para 2 as under:
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> > "2. ….Indeed it is well settled that the construction of a document of title or of a document which is the foundation of the rights of parties necessarily raises a question of law."
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> xxxx xxxx xxxx"

25. Thus, wherever the issue relates to construction of a document which is germane to the right of the parties to *lis*, the same involves question of law and interference by this Court is not beyond the scope of regular second appeal.

26. In view of above, this Court finds that the findings recorded by the Lower Appellate Court on the Issue of WILL dated 23.05.2000 propounded by Tarsem Singh, cannot be sustained and the same need to be

reversed restoring the findings recorded by the Court of the First Instance. Accordingly, this Court finds that Jeet Singh executed valid WILL dated 23.05.2000 in favour of Tarsem Singh. Accordingly, suit filed by Tarsem Singh bearing Civil Suit No.137 of 11.03.2004 is ordered to be decreed. Keeping in view that the WILL propounded by Tarsem Singh has been upheld, this Court does not find any reason to go into the issue regarding status of Nahar Singh as one of the agnates of late Jeet Singh.

27. In view of above, suit filed by Nahar Singh bearing Civil Suit No.721 of 23.01.2002, is ordered to be dismissed.

28. As a sequel of the discussion, held herein-above, **RSA Nos.3668, 3683, 3806** and **3950** of 2015, are **allowed**. **RSA Nos.5439, 3608, 3969** and **3979 of 2018**, are ordered to be **dismissed**.

29. Pending application(s), if any, shall also stand disposed off.

30. A copy of this order be kept on the files of other connected cases.

September 15, 2025 **(Pankaj Jain)**
Dpr **Judge**

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