

State Vs. Manjeet Kaur.

Present: Sh. Jitender Mor, Advocate for applicant/accused.
Sh. Gurjant Singh, learned Assistant Public Prosecutor
for State, assisted by Sh. R.K. Harit, Advocate for
respondent/complainant.

ORDER:

This order shall dispose of an application moved by applicant Manjeet Kaur seeking setting aside of the order dated 13.03.2026 whereby vehicle bearing registration No. HR-41J-4212 was released on superdari in favour of respondent Bhajan Kaur through her Special Power of Attorney holder.

APPLICANT'S VERSION:

2. Briefly stated, it has been averred in the application that she is the legally wedded first wife of deceased Gurdeep Singh and, therefore, being one of his legal heirs, she alone is entitled to the custody of the vehicle in question. It is further pleaded that respondent Bhajan Kaur claims herself to be the second wife of the deceased and had obtained release of the vehicle through her Special Power of Attorney holder Jagwinder Singh. According to the applicant, respondent Bhajan Kaur had no right to seek release of the vehicle through an attorney and the order dated 13.03.2026 deserves to be recalled. It is further alleged that the death certificate has been manipulated and her name has been wrongly substituted therein. Hence, the present application.

RESPONDENT'S VERSION:

3. Reply to the above-said application filed. The respondents have contested the application by filing a detailed reply. It is submitted that respondent Bhajan Kaur is the legally wedded wife of deceased Gurdeep Singh and respondent Devender Singh is his son. It is pleaded that the death certificate initially issued after the death of Gurdeep Singh mentions Bhajan Kaur as his wife and the

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Family ID also reflects her status as wife. According to the respondents, the applicant subsequently procured another death certificate showing herself as wife. It is further contended that no fraud, concealment or misrepresentation was practised upon the Court while obtaining the superdari order dated 13.03.2026. The respondents have also raised a preliminary objection that this Court has no jurisdiction to review or recall its own judicial order granting superdari. With these averments, all other facts stated in the application are denied and dismissal of the application is prayed for.

ARGUMENTS:

4. Arguments have been advanced by Shri Jitender Mor, Advocate for applicant/accused and Shri R.K. Harit, Advocate for the respondent/complainant.

ANALYSIS AND FINDINGS:

5. I have heard the submissions made and have carefully perused the record available on file and the primary grievance of the applicant is that respondent Bhajan Kaur was not entitled to obtain release of the vehicle and that the order dated 13.03.2026 deserves to be set aside on account of the applicant being the legally wedded wife of deceased Gurdeep Singh.
6. At the outset, it may be noticed that the order dated 13.03.2026 was passed by this Court after considering the material then placed on record, including the report submitted by the police authorities and the documents produced by the applicant therein. The said order is a judicial order passed in exercise of jurisdiction relating to interim custody of case property.
7. The applicant has sought recall of the said order primarily on the basis that she is the legally wedded wife of the deceased

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whereas respondent Bhajan Kaur is not. However, the respondents have categorically disputed the said claim and have asserted that Bhajan Kaur is the legally wedded wife of the deceased. The respondents have further relied upon documents including the earlier death certificate, Family ID and other material in support of their stand.

8. Thus, the controversy raised by the parties essentially relates to determination of their matrimonial status, legal heirship, succession rights and the genuineness of certain public documents. These questions are seriously disputed and cannot be adjudicated conclusively in proceedings relating to release of property on superdari. The jurisdiction exercised while granting superdari is only for entrustment of interim custody of property pending proceedings and does not determine title, succession or inheritance rights of the parties.
9. The contention that the vehicle could not have been released through a Special Power of Attorney holder is also devoid of merit. A Special Power of Attorney holder merely acts as an authorised representative of the principal. Release of property through such authorised representative does not, by itself, render the order illegal or without jurisdiction. Unless the authority itself is shown to be forged, fabricated or otherwise invalid, no adverse inference can be drawn merely because the vehicle was released through an attorney holder.
10. The applicant has also alleged manipulation and fabrication of the death certificate. However, no finding regarding the genuineness or otherwise of such public documents can be recorded in the present proceedings. Such questions require detailed evidence and adjudication before the competent authority

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or competent forum. The applicant remains at liberty to avail such remedies as may be available to her in accordance with law.

11. It is further noteworthy that no material has been placed on record by the applicant which may prima facie establish that the order dated 13.03.2026 was obtained by practising fraud upon the Court or by production of forged documents. Mere existence of rival claims regarding legal heirship and marital status cannot, by itself, furnish a ground for recalling an order of superdari already passed and acted upon.
12. The applicant is, in substance, seeking adjudication of civil and succession rights through the present application. Such rights can only be determined by a competent forum after recording evidence and not in summary proceedings concerning interim custody of property.
13. The applicant is, in substance, seeking adjudication of civil and succession rights through the present application. Such rights can only be determined by a competent forum after recording evidence and not in summary proceedings concerning interim custody of property.
14. It is also pertinent to observe that the order granting superdari is purely an arrangement regarding interim custody of the vehicle and does not confer title nor finally determine ownership or succession. Therefore, continuation of the superdari order shall not prejudice the rights of any party to establish his or her claim before a competent court of law.

CONCLUSION:

15. In view of the foregoing discussion, this Court finds no merit in the present application. No ground has been made out warranting interference with the order dated 13.03.2026 whereby

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vehicle bearing registration No. HR-41J-4212 was released on superdari. The disputes sought to be raised by the applicant regarding legal heirship, validity of marriage, succession rights, ownership and genuineness of documents involve disputed questions of fact which cannot be adjudicated in the present proceedings and are left open to be determined by the competent forum in accordance with law. **Accordingly, the present application is hereby dismissed.**

16. It is, however, clarified that nothing observed herein shall be construed as an expression of opinion on the merits of the rival claims of the parties regarding legal heirship, succession, ownership, validity of marriage or entitlement to the estate of deceased Gurdeep Singh, and all such questions shall remain open for adjudication before the competent forum.

Date of order:04.07.2026
Amit SGG-II

(Radhika),
CJ(JD)-cum-JMIC, RC,
Pehowa. UID No.HR0733.

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