



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

RSA-3052-2025 (O&M)
Date of decision: 22.04.2026

Roop Ram and anotherAppellants

V/s

RajenderRespondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. V.K. Jindal, Senior Advocate with
Mr. Vijayveer Singh, Advocate, for the appellants.

Mr. Amit Jain, Senior Advocate with
Mr. Manmohan Saroop, Advocate and
Mr. Aryaman Thakur, Advocate, for the respondent.

VIKRAM AGGARWAL, J. (Oral)

Defendants are in appeal against the judgment and decree dated 01.08.2025 passed by the Court of Additional District Judge, Kurukshetra, dismissing their appeal against the judgment and decree dated 31.07.2014 passed by the Court of Additional Civil Judge (Sr. Divn.), Kurukshetra, vide which the suit of the respondent-plaintiff for declaration and consequential relief of permanent injunction and possession was decreed.

2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3. The dispute is with regard to land measuring 24 kanals (fully described in the plaint), situated at Village Chapri, Tehsil Shahabad, District Kurukshetra (hereinafter referred to as "the suit land") which was owned by one Smt. Maya Devi wife of Ram Kishan. After the death of Smt. Maya Devi on 12.07.2009, mutation qua the said land was sanctioned in favour of one Laxmi Devi on 27.07.2009. The plaintiff (Rajender), who is the brother of Maya Devi, instituted the suit seeking declaration, permanent injunction and possession of the suit land basing his claim upon a Will dated



12.07.2000 claimed to have been executed by Maya Devi in his favour.

3.1 Ram Kishan, who was the husband of Maya Devi and son of Brahma Nand, expired issueless when Maya Devi was very young. His brother Ram Sarup also expired unmarried.

3.2. To understand the controversy, it would be essential to notice the pedigree table. One Kripa Ram had three sons, namely Brahma Nand, Jagdish and Ganga Ram. Brahma Nand had two sons, Ram Kishan and Ram Sarup. Maya Devi was the wife of Ram Kishan. Further, Kripa Ram had a son, Jagdish, who further had a son, Banarsi and a daughter Vidya. The third branch of Ganga Ram had one son Ramji Lal and a daughter, Laxmi Devi. Ramji Lal's wife was also one Maya Devi, who was different from the Maya Devi wife of Ram Kishan. Defendant No.1 (Roop Ram) is the son of said Ramji Lal. Defendant No. 2 (Laxmi Devi) is the sister of Ramji Lal.

3.3 The case set up by the plaintiff (Rajender) was that since Maya Devi was issueless, she had executed a Will dated 12.07.2000 in his favour. However, after the death of Maya Devi on 12.07.2009, the defendants colluded with the revenue officials, and Mutation No.1413 was sanctioned in favour of Laxmi Devi (defendant No. 2) by showing Maya Devi to be the mother of defendant No.1.

3.4 The mutation had also been challenged but ultimately the proceedings had been adjourned *sine die*. The plaintiff, therefore, instituted the suit. It was also the case of the plaintiff that Maya Devi had been served by the plaintiff after the death of her husband, and she had great love and affection for him.

3.5 It was also claimed that the plaintiff had been dispossessed from the suit land by the defendants during the pendency of the suit as a result of which, the suit which had initially been filed for permanent junction was



amended.

4. The defendants filed a joint written statement, raising preliminary objections as regards *locus standi*, cause of action, concealment, etc.

4.1 On merits, a stand was taken that the mutation had been correctly sanctioned. It was alleged that the will was a forged and fabricated document and had been set up in collusion with the attesting witnesses and deed writer. It was claimed that defendant No.2 had succeeded the suit property by way of natural succession.

5. From the pleadings of the parties, the following issues were framed:-

“1) Whether the plaintiff is entitled to a decree for permanent injunction restraining defendants from alienating any portion of the such land in any manner and also from ousting/dispossessing the plaintiff from the suit land under the garb of the mutation No.1413 and the subsequent entries, if any entered during the pendency of the suit on the basis of mutation No.1413 forcibly or illegally or in any manner?OPP

2. Whether the plaintiff has no locus standi to file and maintain the present suit?OPD

3. Whether the plaintiff has no cause of action to file and maintain the present suit?OPD

4. Whether the plaintiff has concealed the true and material facts from the court?OPD

5. Whether this Court has no jurisdiction to entertain and try the present suit?OPD

6. Relief.”

6. Parties led their respective evidence.

7. The trial Court decreed the suit in favour of the plaintiff. The appeal preferred by the defendants against the said judgment and decree was also dismissed by the Court of Addl. District Judge, Kurukshetra, leading to filing of the present regular second appeal by the defendants.

8. I have heard learned counsel for the parties.



9. Learned Senior Counsel representing the appellants has raised only one argument that the Will dated 12.07.2000 was shrouded by suspicious circumstances. In so far as the execution of the Will is concerned, learned Senior Counsel has not disputed the same and has very fairly submitted that the execution of the same was duly proved since the attesting witnesses and the scribe were examined, thereby satisfying the provisions of Section 63 of the Indian Succession Act, 1925 and Section 68 of the Indian Evidence Act, 1872.

9.1 It has been submitted that it had been proved on record that the husband of Maya Devi, namely Ram Kishan, had expired when Maya Devi was very young and thereafter, till her death, she lived at village Chapri in her matrimonial home and was being looked after by the defendants. It has been submitted that under the circumstances, there was no occasion for Maya Devi to have executed a Will in favour of her brother Rajender.

9.2 It has been argued that it also stood proved on record that both attesting witnesses and the scribe were very well known to Rajender, who was the beneficiary of the Will, which in itself shows that the Will was shrouded by suspicious circumstances.

9.3 It has been contended that once Maya Devi was living in Village Chapri, there was no occasion for her to have executed the Will at Ambala. Learned Senior Counsel submits that it had also come on record that she had even expired at village Chapri which is clear from the death certificate Ex.P3.

9.4 It has further been argued that it was also proved on record that after the death of her husband Ram Kishan, she had been living with Ramji Lal as his wife which would be clear from the documents produced on record. Under the circumstances, she would never have executed a Will in



favour of the plaintiff. It has been argued that there was no evidence to even prima facie prove that she had been living with the plaintiff or that the plaintiff had been serving her.

9.5 Learned Senior Counsel further submits that the plaintiff had not been able to prove that the Will was not a forged document and that the expert examined by the plaintiff mentioned the left thumb impression of Maya Devi whereas, it was the right thumb impression, which had to be examined. It has been submitted that even the expert did not follow the procedure established by law and, therefore, no reliance can be placed upon his report.

9.6 Learned Senior Counsel submits that another suspicious circumstance which arises is that by way of the Will, Maya Devi bequeathed the suit property in favour of only one brother whereas, she had other brothers as well whose names did not even find a mention in the Will.

9.7 Learned Senior Counsel submits that Prem Nath, who was also the brother of the plaintiff, though stepped into the witness box as PW7 but admitted the entire case of the defendants in the cross-examination.

9.8 It has been argued that under the circumstances, the impugned judgments and decrees are not sustainable as both Courts did not examine the matter from the correct perspective.

10. *Per contra*, learned Senior Counsel representing the respondent has submitted that there is no illegality in the impugned judgments and decrees. It has been argued that there was no occasion for the mutation having been sanctioned in favour of Laxmi Devi. It has been submitted that even if, for the sake of arguments, the stand of the defendants that Maya Devi had started living with Ramji Lal after the death of her husband Ram Kishan is believed, after her death, the suit land should have been mutated in



favour of the children of Ramji Lal which included defendant No.1 and not in favour of Laxmi Devi, who was the sister of Ramji Lal.

10.1 As regards the relation of Maya Devi with Ramji Lal, it has been submitted that the name of the wife of Ramji Lal was also Maya Devi and the defendants misused the said fact and tried to project that in the documents, the name mentioned was Maya Devi who was the owner of the suit land. It has been submitted that in the cross examination, it was duly admitted that no application had ever been moved to change the name of Maya Devi from Maya Devi wife of Ram Kishan to Maya Devi wife of Ramji Lal. It has been argued that under the circumstances, the documents produced by the defendants showing Maya Devi to be the wife of Ramji Lal would not be of any help to them.

10.2 It has been submitted that no stand was taken in the written statement as well that a *Kareva* marriage had been solemnized by Ramji Lal with Maya Devi and that under the circumstances, no such stand can be taken by the defendants and no amount of evidence produced beyond pleadings would be of any worth.

10.3 Learned Senior Counsel has submitted that the execution of the Will duly stood proved and that the Will was not shrouded by suspicious circumstances as by way of the Will, Maya Devi bequeathed her property in favour of her real brother as she was issueless and a widow.

10.4 It has been argued that PW7 (Prem Nath) who is the real brother of the plaintiff also stepped into the witness box and in his cross examination, duly stated that Maya Devi had great love and affection for the plaintiff and that out of the other brothers and sisters, she had more liking for the plaintiff. It has been submitted that it has also come in the evidence of the said witness that the plaintiff was very young and had stayed and resided



with Maya Devi for 13/14 years at Village Chapri. It has been argued that under the circumstances, the love and affection of Maya Devi for the plaintiff was not unnatural.

10.5 As regards the Will being a forged and fabricated document, learned Senior counsel submits that once such a stand had been taken, it was for the defendants to prove that the Will was forged and fabricated. It has been contended that the plaintiff examined a handwriting and fingerprint expert also and that only at one place, he inadvertently stated that it was the left thumb impression whereas, at all other places he rightly stated the thumb impression to be the right thumb impression.

10.6 Learned Senior Counsel contends that Laxmi Devi, despite being alive, did not step into the witness box to support the case of the defendants.

11. In rebuttal, learned Senior Counsel for the appellant submits that the suit property had devolved upon Maya Devi from her husband who had inherited the same from his father. It has been argued that under the circumstances, the property should have devolved by natural succession but for the Will propounded by the plaintiff.

12. I have considered the submissions made by learned counsel representing the parties.

13. There are certain undisputed facts, reference to which has also been made while detailing the facts of the case. The sole ground of challenge to the impugned judgments and decrees is as to whether the Will dated 12.07.2000 executed by Maya Devi was shrouded by suspicious circumstances. As stated in the preceding paragraphs, the execution of the Will has not been disputed, the same also having been proved by way of testimonies of the attesting witness Babu Ram, who appeared in the witness-



box as PW4 and the Scribe Ram Dass, who appeared as PW3. The only question to be, therefore, determined is as to whether the Will was shrouded by suspicious circumstances.

14. Having examined the matter in its entirety, the answer to the said question is in the negative.

15. Concededly, the plaintiff Rajender was the real brother of Maya Devi. The husband of Maya Devi had expired only few years after their marriage. At the time of the death of her husband, Maya Devi is stated to have been very young. It also came on record in the cross-examination of PW7 (Prem Nath), who is none else but the real brother of the plaintiff Rajender that Rajender was born 5/6 years after the death of the husband of Maya Devi namely Ram Kishan. It also came in his cross-examination that Rajender had stayed with Maya Devi in Village Chapri for 13/14 years and that he was uneducated. He also stated that Maya Devi had more love and affection for Rajender as compared to her other brothers. Concededly, Maya Devi was the absolute owner of the suit of property. Under the circumstances, her having executed a Will in favour of her own real brother for whom she had a lot of love and affection and she being a widow and issueless would be a very natural circumstance and not at all a suspicious circumstance. This fact would assume more importance, if we consider the persons on the other side i.e. the defendants who were distantly related to the husband of Maya Devi. Under such circumstances, it would be very natural for a person to Will one's land to one's blood relation rather than to some branch from the side of her husband. Maya Devi may have lived at Village Chapri after the death of her husband but that in itself would not mean that the family would acquire a right in the property owned by Maya Devi. It may have been a desire but can never be termed to be a right.



16. There is no evidence on record that Maya Devi had solemnized marriage with Ramji Lal. It has also come on record that the name of the wife of Ramji Lal was also Maya Devi. The possibility of the defendants having taken undue advantage of the same cannot, therefore, be ruled out. It was categorically admitted by defendant No.1 (Roop Ram) that no application had ever been moved to any authority to change the name of Maya Devi from Maya Devi wife of Ram Kishan to Maya Devi wife of Ramji Lal.

17. Further, the mere fact that the attesting witnesses and the scribe were well known to the plaintiff (Rajender) would not in itself mean that he had taken some active part in the execution of the Will. Had that been the case, the suit would not have been filed in the year 2008 (subsequently amended). He would have got the land mutated in his favour immediately after the death of Maya Devi. Even otherwise, witnesses in a Will are normally those persons who are known to the testator and his family members. Unknown persons not knowing anything about the family would not be witnesses to a Will.

18. The execution of the Will at Ambala is also not a suspicious circumstance. It has to be borne in mind that it was an unregistered Will and had there been some foul play, nothing would have stopped Maya Devi from mentioning the place of execution as Chapri. Such Wills are executed when a lady goes to her parental home or to the house of some of her relatives. Because while staying in a matrimonial home, such Wills are not possible to be executed because of the eye being kept on a widow lady by other members of the family.

19. The argument that the plaintiff had not been able to prove that the Will was not a forged document is devoid of merit. Once the propounder



of the Will had discharged the initial onus to prove the execution of the Will, the onus to prove that it was a forged Will was upon the defendants. Be that as it may, the plaintiff did examine a handwriting expert who stated in his report that the thumb impressions on the Will were that of Maya Devi.

20. The argument that the Will having been executed in favour of one brother is a suspicious circumstance is also devoid of merit. It has come on record that the plaintiff (Rajender) was very young and had lived with his sister Maya Devi for 13/14 years and she had great love and affection for him. Even the real brother of the plaintiff (Rajender), PW7 namely Prem Nath, appeared in the witness-box and supported the case of Rajender. PW9 (Som Nath) is the son of the third brother who also stepped into the witness-box and deposed in favour of the plaintiff. On the contrary, Laxmi Devi, who was impleaded as a party and was alive, did not bother to step into the witness-box.

21. Under the circumstances, this Court is of the firm opinion that the plaintiff was able to prove the due execution of the Will and that it was not shrouded by suspicious circumstances.

22. Under the circumstances, this Court finds absolutely no illegality in the findings in the impugned judgments and decrees.

23. Consequently, the appeal is found to be devoid of merit and is accordingly dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

April 22, 2026
vcgarg

Whether speaking/reasoned:	Yes
Whether reportable:	Yes