

## Malkiat Devi Vs Naresh Singh and Another

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** Dec. 6, 1985

**Hon'ble Judges:** J.V. Gupta, J

**Bench:** Single Bench

**Advocate:** Gurdial Singh, for the Appellant; Shri H.L. Sarin and Shri A.S. Grewal, for the Respondent

### Judgement

J.V. Gupta, J.

This is Plaintiff's Second Appeal whose suit for possession has been dismissed by both the Courts below.

2. Shmt. Mansa Devi was the owner of the suit property. She died on 11th August, 1967 The Plaintiff, claiming herself to be the daughter of the

deceased, filed the present suit, as according to her she was the only heir, and, as such was entitled to the property which was in possession of the

Defendant without any right. In the Written Statement, the Defendants set up a "Will in their favour, executed by Mansa Devi on 19th July, 1967,

in a sound and disposing mind. It was further pleaded that the Defendants and their parents were rendering services to her and in lieu of those

services, she executed the will in their favour. The Defendants are the sons of Harbans Singh, son of Ranbir Singh who is the brother of the

husband of Mansa Devi. In the replication, the said will was contested by the Plaintiff. The trial court after discussing all the alleged suspicious

circumstances came to the conclusion that the deceased Mansa Devi had executed a valid will (Ex D1) in favour of the Defendants in a sound

disposing mind, and with a free will As a result of this finding, the suit was dismissed. In appeal, the learned Additional District Judge affirmed the

finding of the trial court and, thus maintained the decree, dismissing the suit. Dissatisfied with the same, the Plaintiff has filed the present appeal.

3. Learned Counsel for the Appellant contended that there are many suspicious circumstances which have not been explained by the legatee

Defendants, and therefore, the will in question could not be held to be a valid one According to the learned Counsel, nothing has been stated in the

will as to why the only heir of the deceased i.e., the Plaintiff being the daughter, was being deprived of the property. Moreover argued the learned

Counsel, the legatees took active part at the time of the execution of the Will, and, therefore, the same could not be held to be a validly executed

Will

4. After hearing the learned Counsel for the Appellant I do not find any merit in this appeal. On the appreciation of the entire evidence, considering

the alleged suspicious circumstances, it has been concurrently found by the courts below that the Will in question was validly executed by Mansa

Devi in favour of the Defendants. It has been further found that the Defendants have been rendering services to the deceased Mansa Devi, and it

was in lieu of the services rendered by them and their parents that the will was executed in their favour. Consequently, the appeal fails and is

dismissed with no order as to costs.