

# Opening Sheet For



IN THE COURT OF THE Mrs. Sharuti Singh, IAS, Deputy Commissioner  
exercising the Powers of District Collector,  
Shaheed Bhagat Singh Nagar.

Appellate side

Revenue Case No.

OF 19

| District                         | Date of filling<br>Pension | Whether received form<br>Appellant in person, or by<br>pleader of or Agent | Stamp on<br>Pention<br>of appeal |
|----------------------------------|----------------------------|--|----------------------------------|
| Shaheed<br>Bhagat Singh<br>Nagar | 7.9.2010                   | Through Sh. A.S.Syan<br>Advocate, Distt.<br>Courts SBS Nagar               | Rs 10/-                          |

1. Jasvir Singh son of Pritam Singh son of Labhu Ram,
2. Ranjit Kaur d/o Pritam Singh son of Labhu Ram, both rs/o vill. Bharta Kalan, Teh. Nawanshahr, Distt. Shaheed Bhagat Singh Nagar.

... Appellants

Versus

1. Inderjit Kaur allegedly widow of Pritam Singh son of Labhu Ram,
2. Surjit Kaur, 3. Paramjit Kaur, 4. Manjit Kaur ds/o Pritam Singh son of Labhu Ram, 5. Balbir Singh allegedly son of Pritam Singh son of Labhu Ram, 6. Harjit Singh @ Sarwan Singh son of Pritam Singh son of Labhu Ram, all residents of vill. Bharta Kalan, Teh. Nawanshahr, Distt. Shaheed Bhagat Singh Nagar.

... Respondents

Appeal against the order of sh. Birpal Singh, SDM-cum-Collector, AC 1st Grade Nawanshahr, dated 23rd day of August 2010.

Claim in Appeal : For setting aside the order under appeal being against law and facts and sanctioning the mutation of the estate of deceased Pritam Singh on the basis of natural course of succession in the names of all the legal heirs of deceased Pritam Singh, by way of accepting appeal with costs throughout.

Grounds of Appeal : As attached

Slay  
hearing 5/10  
an 1/10  
Notice Received  
20/08/10  
14/9/10

GROUNDS OF APPEAL

1. That the order under appeal vide which the ld. lower court has sanctioned the mutation of the estate of deceased Pritam Singh in the name of respondent, is against law, facts and evidence on the file and as such, not sustainable and liable to be set aside.
2. That deceased Pritam Singh did not execute any alleged WILL in favour of respondent No 1 and the alleged WILL has not been proved as required under the mandatory provisions of Indian Evidence Act and Indian Succession Act, as such, the mutation of the estate of deceased Pritam Singh was legally required to be sanctioned on the basis of natural course of succession in the names of all the legal heirs including appellant.
3. That the execution, attestation and registration of the alleged WILL, dated 4.6.2008 is surrounded by grave suspicious circumstances going to the root of the matter which remained unexplained and as such, the alleged WILL was legally required to be ignored without any evidence on the part of objector/appellant.
4. That cognence/recital of the alleged WILL have been proved as false and there are sharp contradiction on all relevant and material points in the statements of witnesses which rendered the alleged WILL as a waste paper, not worth relying upon, but ld. lower court has wrongly upheld the same without any justification.
5. That ld. lower court has failed to take into consideration other relevant facts brought on the file that deceased Pritam Singh was mentally incapable of executing any alleged WILL, he was suffering from severe dementia and the said disease incapacitated him to execute any important document, record of treatment has wrongly been ignored, copy of the treatment record of Mittal Hospital, Nawanshahr is attached herewith.
6. That ld. lower court has wrongly ignored the fact that

deceased Pritam Singh was having cordial relations with appellant and as such, he nominated him as his successor in the Bharta Kalan Co-operative Agriculture Service Society, regarding his account No. 302, the said fact has also been wrongly ignored, copy of record is attached herewith for kind perusal of this hon'ble court .

7. That ld. lower court has wrongly closed the evidence of the objector by order despite the fact that he was ill and unable to attend the court . But previously he has been attending the court regularly and it was other side ~~to~~ who failed to cross examine appellant, as well as, his witnesses. Affidavit of ~~witness~~ . Dharam Singh have already been placed on file as their examination-in-chief.

8., That ld. lower court has also failed to take into consideration copy of complaint filed by Pritam Singh with SSP, Nawanshahr dated 20.6.2008, showing that he was not well and was under depression, incapable of executing any testamentary disposition.

8A. That the appeal is within limitation.

9. That required court fee is affixed.

10. It is, therefore, prayed that the order under appeal being against law and facts be set aside and mutation of the estate of deceased Pritam Singh may ordered to be sanctioned on the basis of natural course of succession in the names of all legal heirs by way of accepting appeal with costs throughout.

भारती सिंह

Submitted by

Appellants

Through Sh. A. S. Svan, Advocate

Distt. Courts SBS Nagar

Dated . 7.9.2010.