

IN THE COURT OF COLLECTOR, NAWANSHAHAR.

Ms 7-2200  
9-2008



Darshan Kumar son of Ram Parkash son of Chiranji Lal,  
resident of village Chakk Bilgan, Teh. & Distt. Nawanshahar.  
.....Appellant

Versus

1-Anoop Kumar ; 2-Ramesh Kumar ; 3- Ram Kamal; 4-Pawan Kumar  
-sons; 5- Chanchala Devi; 6- Darshana Devi; 7- Shiksha  
Rani-daughters of Ram Parkash son of Chiranji Lal ,  
-all residents of village Chakk Bilgan, Teh.& Distt.  
Nawanshahar.

....Respondents

(APPEAL AGAINST THE ORDERS DATED 5-9-08  
PASSED BY SH. PREM CHAND, PCS., S.D.M.-CUM-  
A.C.Ist, GRADE, NAWANSHAHAR.)

CLAIM IN APPEAL:

To set-aside the impugned order under appeal by  
accepting the appeal and for ordering mutation of  
inheritence of Ram Parkash in natural course of succession.

GROUND OF APPEAL:-

- 1- That the impugned order dated 5-9-08 passed by  
A.C.Ist Grade, Nawanshahar vide which mutation of inheritence  
of deceased Ram Parkash was ordered to be sanctioned in fav  
of respondent No.1.allegedly on the basis of will propounded  
by him is against law & facts and, as such, is liable to  
be set-aside.
- 2- That the learned lower court fell in grave error  
in appreciating the facts of the case and the law  
applicable thereto with the result a serious mis-carriage  
of justice has occassioned.
- 3- That no doubt will is executed to deviate succession  
but the law enjoins aduty upon the propaunder of the will  
to dispel all the suspicious and dubious circumstances  
surrounding the execution of the will to the satisfaction  
of the conscience of the court, as the testator happens t  
be no more in the world and ~~the~~ his will is to be

Examined &  
reported  
for 2/12/08  
RSM

gathered from the attending circumstances surrounding the execution of the will. Here in this case the propounder of the will ,i.e. respondent No.I has utterly failed to dispel the dubious circumstances surrounding the execution of the will and, thus, the same was liable to be discarded for any consideration. The learned lower court failed to take into consideration all the material aspects and based its impugned order on sheer conjectures and surmises.

4- That the will is absolutely bereft of any reasoning by the testator for disinheriting his other ~~xxxx~~ legal heirs. Merely, that the testator was living with the respondent No.I was in itself no ground to dis-inherited his other legal heirs.

5- That merely, that respondents No.2 to 7 colluded with respondent No.I and made statement, admitting the will again was no ground to uphold the alleged will.

It is quite un-natural for a father to dis-inherit all his legal heirs accepting one i.e. respondent No.I.

This in itself was a strong suspicious circumstance to discard the alleged will. Ram Parkash testator was extremely old and maintaining feeble health and had lost his mental equilibrium and was unable to differentiate between good and bad and respondent No.I by taking un-due advantage of the said ~~xxxxxxxx~~ mental condition of the testator forged the will, by conniving with the convenient scribe and handy witnesses.

6- That the impugned order is wholly perverse and has been passed without applying its judicial mind by the trial court.

7- That immediately after decision of the case the appellant had to go out of station in connection with domestic exigencies and came back only on 16-10-08 and applied for certified copies of which was supplied to him on 24-10-08 and , thus, filing the appeal within no loss of time. Any how, the separate application u/s 5 of the

Limitation Act for condonation of delay is being filed seperately.

8- It is, therefore, prayed that the impugned order under appeal , may kindly be set-asi-de and the ~~appeal~~ mutation of inheritence may kindly be ordered to be sanctioned in natural course of succession.

APPELLANT

THROUGH: SH. HS.KUNDRA & SH. SS.KUNDRA,  
ADVOCATES, NAWANSHAHAR.