



Handwritten notes in blue ink: 'स्वा 36/3/09' and 'मस 14/11/09'.

C. I.  
Opening Sheet For Revenue Appeals

IN THE COURT OF THE DEPUTY COMMISSIONER Nawanshaher exercising the powers of COLLECTOR, (SBS Nagar).

Appellate side Revenue Case No. OF 19

District	Date of filling Pention	Whether received from Appellant in person, or by pleader of or Agent	Stamp on Pention of appeal
Shahid Bhagat Singh Nagar (Nawanshaher) शहीद भगत जी, चंदा जी से तब मसीह किशोर मन्दीर में Careat Pention द्वारा रसी जेपी में लिखत रसु है की, आद्योग त्रिणा वृषेनर मन्दि	16-11-2009	Appellant through Desh Bandhu Bhalla Advocate, Nawanshaher. himle Reacted 16/11/2009	Rs. 2-00

Baldev Dass chela Mahant Gian Dass chela mahant Jamuna Dass  
r/o village Musa Pur, tehsil Nawanshaher, Distt. SBS Nagar. -----Appellant

VERSUS

Jaswant s/o Joginder Dass s/o Anant Ram r/o village Musa Pur,  
Tehsil Nawanshaher, Distt. SBS Nagar. -----Respdt.

Respondent.

Appeal from the order of sh. Bir Pal Singh, SDM cum A.C. Ist grade Nawanshaher

dated 29th day of

Sept. September, 2009

Claim... To accept the appeal and setting aside the impugned order of mutation No. 6069 of village Musa Pur, and sanction the mutation in favour of appellant regarding the estate of Mahant Gian Dass.

Grounds of appeal (translated) :-

Handwritten signature in blue ink: 'मस 3 चला दे रसु'.

Handwritten note in blue ink: 'Summar Respondent'.

Handwritten note in blue ink: 'No. 6069 + Record' and 'Date 16/11/09'.

GROUND OF APPEAL

1. That the order under challenge in this appeal is against law & facts and is based on surmises.
2. That the hon'ble lower court failed to appreciate that the later Will which is dt.6-6-2007, though unregistered of Mahant Gian Dass deceased in favour of his Chela Baldev Dass which has been duly proved in accordance with law was required to prevail on alleged registered Will dt.2-8-2004, and therefore the mutation should have been sanctioned in the name of appellant.
3. That the lower court failed to appreciate that the registration of Will in no way prove its execution and even the registered Will has to be also proved in accordance with law and all the suspicious circumstances surrounding the Will has to be duly explained by the beneficiary. The alleged registered Will is not duly proved in accordance with the law and was required to be ignored in the face of subsequent latest Will, which in this case is duly proved by the evidence of Dalvir Singh one of the attesting witness of Will, who has stood the test of cross examination and the alleged suspicious circumstances pointed out in the lower court order are of no consequence and should not have any bearings on fact that this Will in favour of appellant has been duly proved.
4. That the Will in favour of appellant further gets corroboration from the fact that appellant was duly ~~xxxxxxx~~ established as Chela of mahant Gian Dass deceased on 26-11-2006 and ~~was~~ in the presence of Holy Guru Granth Sahib in the meeting of Udaseen Maha sabha under chairmanship of mahant Joginder Dass general secretary of Udaseen Maha Sabha in a religious congregation under a Dastar Bandi ceremony and a due resolution of this Rasam Chela/ Major Nama was executed and the same was duly endorsed by mahant Gian Dass by putting thumb impression on the same alongwith others and copy of the same is duly proved as mark-C. This aspect what to talk of being appreciated by the trial court has not been even touched/referred to in the impugned order.
5. That The appellant was appointed mahant of dera mahant Gian Dass being chela of mahant Gian Dass on 12-8-2007 by the

Udaseen Mahansabha i.e. BHEK after the death of mahant Gian Dass, who had also executed a Will in favour of his chela Baldev Dass appellant in lieu of services rendered by him towards the mahant Gian Dass deceased and his Dera where he was working as chela and Sewadar during his lifetime. A resolution to this extent was also adopted by the Udaseen Mahansabha and sant Muni chela Parkash Muni, Mahant Hariom Parkash deputy general secretary of Udaseen Mahanshabha Punjab and mahant Joginder Dass president of Udaseen Mahansabha was examined and duly proved the version of appellant. The ld. lower court failed to appreciate the ~~ir~~ evidence both oral & documentry inclusive of photographs of the ceremony placed on the file in proper perspective, thus ca-using grave injustice to the appellant.

6. That the hon'ble trial court has failed to appreciate that had there been the alleged registered will allegedly of dt. 2-8-2004 of mahant Gian Dass, then there was no occasion for him to adopt appellant as his chela and being party to the resolution dt. 26-11-2006 in which he endorsed the resolution by putting his thumb impression on the same. This alone aspect was sufficient to ignore the alleged earlier registered Will alleged in favour of respdt. The hon'ble trial court failed to appreciate this fact also that had this Will been genuine then the re-spdt should have objected to appointing of appellant as chela of mahant Gian Dass deceased at that very relevant time, when the appellant was appointed chela of mahant Gian Dass on 26-11-2006 in his presence and of which he had the knowledge from its inception. Even the law cited was not appreciated.

7. That after deducting the period for obtaining the certified copy of impugned order, the appeal is within limitation, and particularly when 13 & 14 November were holidays being saturday and sunday.

Dt. 16-11-2009.

Submitted by; -----  


Baldev Dass chela mahant  
Gian Dass.

--Appellant

Through

Desh Bandhu Shalla,  
Advocate, Nawanshaher and  
Mamta Bangar Advocate

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