

डेवरा 39/ कुल्लेकरा  
दिना 15/12/2009



### Opening Sheet For Revenue Appeals

IN THE COURT OF THE Sh. Gurkirat Kirpal Singh I.A.S.  
Collector exercising the powers of Deputy Commissioner, 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
S.B.S. Nagar	14/12/2009	Sh. R.C. Sar <del>ten</del> Advocate	1.25

Paramjit Singh s/o Avtar Singh r/o V. Gobindpur, Tehsil Nawanshahr,  
District S.B.S. Nagar.

....Appellant

Versus  
Jagjit Kaur widdw of Avtar Singh r/o V. Gobindpur, Tehsil Nawanshal  
District SBS Nagar.

श्री गजित जी कौर जी के विरुद्ध अवतार सिंह कौर की, उत्तरदात्री  
वैतनिक पेंटिऑन, खसिया, जिला नवानशहर  
फिर्का नुमाइश के तहत है श्री  
Respondent

आदेशमा कुल्लेकरा गांविक  
Appeal from the order of A.C. Ist Grade, Nawanshahr

18th ..... dated... November..... day of 2009

Noticed/Recd  
15/12/09  
मिस्टर्स

Summons  
for respondents  
15/12/09

Claim.....For the reversal of the order dated 18/11/2009 passed  
by the court of A.C. Ist Grade , Nawanshahr further to accept t  
. appeal and sanction the mutation on the basis of registered  
will dated 29/03/2006

Grounds of appeal (translated) :-

attached herewith

Paramjit Singh

Grounds of appeal:

1. That the order dated 18/11/2009 passed by the court of Sh. Birpal Singh P.C.S., S.D.M. cum A.C. Ist Grade, Nawanshahr is against the law and facts of the file.
2. That this mutation No. 4739 of village Gobindpur relates to the estate of Avtar Singh son of Santokh Singh of Village Gobindpur. The appellant propounded the will dated 29/03/2006 executed by Avtar Singh deceased in favour of Paramjit Singh son of Mohinder Singh appellant, who is the nephew of the deceased. This mutation was contested by Jagjit Kaur who is the widow of Avtar Singh and is living in England and have got no issue and further propounded that Avtar Singh executed a will dated 11/08/1999 while he was in England and the probate has been obtained by her vide judgement dated 05/01/2009 of the High court of Justice in England. Both the parties propounded the will and the Ld. lower court has erraneously ignored the registered will dated 29/03/2006, which has been executed by Avtar Singh in favour of appellant.
3. That the appellant has produced Bhupinder Pal deed writer and Gurdev Singh Numberdar of village Gobindpur, who has proved the original will which is registered on dated 29/03/2006. The Ld. lower court has referred certain suspicious circumstances alleging that the legal heirs has not been referred including the respondents and it is further alleged that the appellant never served Avtar Singh deceased during his life time, these are the only suspicious circumstances which has been <sup>referred</sup> ignored by the Ld. lower court by referring the same <sup>in</sup> by order itself.
4. That it is the settled law that the will which is registered one, it is not the bounty and jurisdiction of revenue officer to adjudicate the registered will being revenue officer and he was to act upon the registered will. Surprising <sup>every that</sup> an no reason has been mentioned that why the registered will has been ignored. The registration of the will and proving the same is an solemn act which prima facie proves the execution of the registered will.
5. That <sup>in</sup> if the will propounded by the respondent along with the probate part of it, it does not relate to the property in question it is the settled law that the probate can be granted only with regard to that property by the said competent <sup>of the</sup> court concerning the property where it is situated not where the part from it. In the probate itself it has been disclosed the value of the property which has been probated along with one application which was required to be produced by the other side proving that which <sup>of</sup> the land mentioned for the purposes for getting the probate.
6. That it is not necessary that the appellant should challenge the probate because the will which has been probated was earlier

than which has been propounded by the appellant which is registered one. The ld. lower court has intentionally ignored the registered will which was beyond the jurisdiction of the revenue court.

7. That it was brought to the notice of the ld. lower court that the civil suit is already pending in the civil court regarding the matter in question filed by the respondent claiming the will as well as probate referred above and in the said civil suit the matter in question is being decided and till then the mutation was kept in abeyance and cannot proceed further.

8. That the order dated 18/11/2009 passed by the A.C. Ist Grade Nawanshahr is against the law and fact on the file and is based on surmises and conjectures is not legally sustainable.

9. That the present appeal is well within time after deducting time for obtaining the copy of order.

10. It is therefore prayed that the order dated 18/11/2009 be set aside and the mutation regarding the estate of Avtar Singh be sanctioned on the basis of registered will dated 29/03/2006, with costs, in the interest of justice.

Submitted by:-

Appellant

Through Counsel

Sh. R.C. Sareen

Sh. A.K. Sareen

Advocates

Dated: 14/12/2009

District Courts, Nawanshahr

Paramjit Singh