

No. 50/2010
Dt 4/5/2010

C. I.

Opening Sheet For Revenue Appeals

IN THE COURT OF THE Mrs. Shruti Singh, IAS, Deputy Commissioner-cum-Collector, Shaheed Bhagat Singh Nagar.

Appellate side		Revenue Case No.	
District	Date of filling Pension	Whether received form Appellant in person, or by pleader of or Agent	S o
Shaheed Bhagat Singh Nagar.	29/4/2010	Sh. Rajinder Kumar Sehja, Advocate	



Kashmir Singh s/o Kachhery Ram @ Mohinder Singh R/o V. Bhungal Kalan, Tehsil Nawanshahr, Distt. Shaheed Bhagat Singh Nagar.

...Appellant

Versus

1- Pritam Kaur W/o Kachhery Ram @ Mohinder Singh r/o V. Bhungal Kalan, Tehsil Nawanshahr, Distt. Shaheed Bhagat Singh Nagar.

Respondant

2- Balbir Kaur W/o Som Parkash R/o Mr Nazaffgarh, Dinpur Durga, Bihar, Phase-1, Gali No.9, H.No. 265, Bengali Painter Wali Gali, Delhi

Appeal form the order of Sh. Pardeep Kumar Aggarwal, IAS, SDO... Respondent

..... 19th Dated March Day of 2010

Claim... To accept the appeal and to set aside the order of Sh. Pardeep Kumar Aggarwal, IAS, SDO, Nawanshahr, which was passed by SDO(Civil) on dt. 19/3/2010

Grounds of appeal (translated) :- -Attached-

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Notice/Receipt
18/5/2010

Grounds of appeal:-

- 1- That the order under appeal is bad in the eyes of law and against the facts on the file and in fact a perverse.
- 2- That the order under appeal are based on conjectures and ~~xxx~~ surmises.
- 3- That the order passed by the learned lower court of SDO (civil) are illegal, unjust arbitrary and are against the provisions of law.
- 4- That the real facts of the case are that Sh. Kachhery Ram @ Mohinder Singh was the original owner of the land in question, situated at Village Bhangal Kalan, Tehsil Nawanshahr, Distt. Shaheed Bhagat Singh Nagar. Sh. Kachhery Ram @ Mohinder Singh during his life time executed a unregistered will in favour of Kashmir Singh (appellant), because Kachhery Ram @ Mohinder Singh was not pulling well with his wife Pritam Kaur and his daughter Balbir Kaur, so the appellant had debarred his wife and daughter from his property and will. But Kashmir Singh served to his father during his life time and Kachhery Ram @ Mohinder Singh was also resided with Kashmir Singh during his life time. Kachhery Ram @ Mohinder Singh executed a unregistered will on dt. 10/8/1992 in favour of Kashmir Singh in the presence of attesting witnesses during his life time and as per the said will dt. 10/8/1992 Kashmir Singh is only the beneficiary of the estate of Kachhery Ram @ Mohinder Singh. Moreover, it may be stated herethat the will in question Kachhery Ram @ Mohinder Singh also mentioned that if Kashmir Singh died in ~~xxxxxxxxxxxx~~ ~~xxxx~~ his life time, then the property goes to Pritam Kaur and as per the said will income from the agriculture half share of the income was paid to Pritam Kaur by his ~~xxxxxx~~ ~~wife~~ son Kashmir Singh, after the death of Kachhery Ram @ Mohinder Singh. Kachhery Ram @ Mohinder Singh was died on dt. 11/4/1993 at vill. Bhangal Kalan, Teh. & Distt. Nawanshahr. All the last rites and ceremonies of Kachhery Ram @ ~~Rx~~ Mohinder Singh was completed by the Kashmir Singh appellant.

5- That after the death of Kachhery Ram @ Mohinder Singh, the appellant cultivated the property in question and having possession upon the property in question. Moreover, it may be stated herethat one civil litigation titled as 'Kashmir Singh Versus Balbir Kaurk and other' is pending in the court of Civil Judge (SD), Nawanshahr in which the stay order was passed by the Hon'ble court copy of said order has already on the lower court file.

6- That the respondent No.1 also admitted in her cross examination that she was residing seperate from Kachhery Ram @ Mohinder Singh during his life time and also gave statement, she was also cooked own food seperate from Kachhery Ram @ Mohinder Singh. Moreover, it be also admitted by the respondent No.1 that all the last rites ceremonies was also done by the Kashmir Singh and also admitted that Kashmir Singh having cultivated possession upon the property in question. Moreover, all the witnesses produced by the appellant before the trial court and all the witnesses admitted that will in question was executed by Kachhery Ram @ Mohinder Singh during his life time, in favour of Kashmir Singh in lieu of Kashmir Singh served to Kachhery Ram @ Mohinder Singh in his life time.

7- That the learned lower court has sanctioned the mutation wrongly, illegally and effecting the rights of the appellant with the remarks that from all the witnesses no panch or sarpanch or lamberdar of village Bhagal Kahan. It be stated herethat there is no need as per law a lamberdar or Sarpanch or Panch only can attest the will, but in real facts as per law will was attested by any of ~~per~~ the person who is the wellwisher/faith of the ~~executo~~ executor of the will, or near relative of the person who execute the the will. There is no need whether the witnesses are also necessary belongs to Village sarpanch, Lamberdar or Panch.

8- That the learned lower court has sanctioned the mutation wrongly, illegally and effecting the rights of the appellant, hence the order passed by the learned lower court is nonest in the eyes of law.

9- That the appeal is within time.

10- That the learned lower court has committed various irregularities and ~~kkgg~~ illegalities as the learned lower court has not gone through the file and the learned lower court order having no merits, while passing the impugned order, which warrants the interference of the Hon'ble court by way of this present appeal.

It is, therefore, prayed that the appeal may kindly be accepted and the order of the ~~kwamam~~ learned lower court be set aside in the interest of justice and fair play.

Submitted by:-

Appellant

Kashmir Singh s/o Kachhery Ram
@ Mohinder Singh r/o V. Bhargal
Kalan, Teh. Nawanshahr, Distt.
Shaheed Bhagat Singh Nagar.

Dt. 29/4/2010

Through:

Sh. Rajinder Kumar Sehgal, Advocate,

Distt. courts, Nawanshahr