2026:PHHC:189617

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2607-1994
Reserved : 23.07.2026
Pronounced on : 13.10.2026

RANI MOHINDER KAUR AND ANOTHER ...APPELLANTS

VERSUS

MANJIT INDER SINGH AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Chetan Mittal, Senior Advocate with
Mr. Kunal Mulwani, Advocate
Mr. Himanshu Chauhan, Advocate
Mr. Vikas Thakur, Advocate
for the appellants.

Mr. P. P. S. Duggal, Advocate
for respondent No.1.

PARMOD GOYAL, J.

Appellants-defendants No.1 and 5 being aggrieved by judgment and decree dated 15.09.1990 passed by learned Sub Judge, Ist Class, Ferozepur vide which suit for declaration preferred by respondent No.1-plaintiff claiming himself to be owner of suit property to the extent of 1/5th share, having succeeded the same from Sodhi Mohinder Singh his father, was decreed and also by judgment and decree dated 11.02.1994 passed by learned Additional District Judge, Ferozepur vide which first appeal preferred by appellants-defendants No.1 and 5 was also dismissed, have filed present appeal.

2. Respondent No.1-plaintiff in his suit for declaration, claimed that he along with defendant Nos.2 to 4 are the only legal heirs of late Sodhi Mohinder Singh and entitled to inherit the immoveable property i.e. House No.143 situated in Bazar No.1 Ferozepur Cantt. along with other moveable properties owned by his father.

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3. It was claimed that appellants-defendants No.1 and 5 have illegally and falsely fabricated documents and are claiming said property whereas after death of Sodhi Mohinder Singh, defendant Nos.2 to 4 were the only legal heirs and were entitled to inherit property of Sodhi Mohinder Singh. That appellant-defendant No.1 is wrongly claiming wife of Sodhi Mohinder Singh. It was asserted that appellant-defendant No.5 namely Ram Pyari was wife of Govind Ram and was maid servant and was never married Sodhi Mohinder Singh. That Will propounded by appellants-defendants No.1 and 5 is not binding on the rights of respondent-plaintiff and other defendants. Same was claimed to be false and fabricated.

4. Suit qua defendant Nos.2 to 4 was however, dismissed under Order IX Rule 2 on account of failure of respondent No.1-plaintiff to deposit process fee.

5. Appellants-defendants No.1 and 5 had contested the suit, it was claimed that Sodhi Mohinder Singh was husband of appellant-defendant No.5 and father of appellant-defendant No.1. That he had executed a valid Will dated 02.10.1983 giving complete details of family and reasons for executing Will in favour of appellants-defendants No.1 and 5. It was claimed that respondent No.1-plaintiff and defendant Nos.2 to 4 were also given sufficient property by Sodhi Mohinder Singh during his lifetime. Pedigree table relied upon by respondent No.1-plaintiff was stated to be wrong in view of judgment dated 02.02.1984 passed by Sh. R. P. Nagrath, the then learned Sub Judge, Ist Class, Ferozepur. It was claimed that appellants-defendants No.1 and 5 only are entitled to suit property, and plaintiff & defendant Nos.2 to 4 had no right over the property left over by Sodhi Mohinder Singh. That appellants-defendants No.1 and 5 have become owners of suit property as per Will dated 02.10.1983.

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Accordingly, dismissal of suit was prayed for.

6. From the pleadings of the parties, following issues were framed :-

1) Whether the plaintiff is entitled to the declaration as prayed for? OPP
2) Whether the plaintiff is entitled to the injunction prayed for? OPP
3) Whether Mohinder Singh executed a Will dated 02.10.1983 in favour of Rani Mohinder Kaur and Dilsher Singh if so its effect? OPD.
4) Relief.

7. Initially, suit of respondent No.1-plaintiff was dismissed by the Court of learned Sub Judge, Ist Class, Ferozepur vide judgment and decree dated 18.07.1988. Respondent No.1-plaintiff had preferred an appeal which was allowed vide judgment and decree dated 15.10.1988 passed by learned Additional District Judge, Ferozepur and case was remanded for fresh decision. It was after remand impugned judgment dated 15.09.1990 was passed afresh.

8. Learned Court of First Instance had decided Issue Nos.1 and 3 against the defendants holding Will dated 02.10.1983 to be suspicious and not valid. Accordingly, decree declaring respondent No.1-plaintiff entitled to 1/5th share in the immovable property along with other movable properties mentioned in plaint was passed in favour of respondent No.1-plaintiff. Defendant No.1 was also held entitled being son of Sodhi Mohinder Singh. Whereas marriage of defendant No.5 with Sodhi Mohinder Singh was not held valid.

9. Learned First Appellate Court had confirmed the findings recorded by learned Court of First Instance and had dismissed the appeal preferred by appellants-defendants No.1 and 5. While deciding issue No.1 in favour of respondent No.1-plaintiff, both the learned Courts had held that in absence of any valid Will executed by Sodhi Mohinder Singh, his properties would be succeeded by his legal heirs by natural succession.

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10. From the evidence, it is clearly made out that defendant No.4-Rajinder Kaur was wife of Sodhi Mohinder Singh, whose marriage with Sodhi Mohinder Singh was dissolved by way of decree of divorce. It was also held that from the wedlock of Sodhi Mohinder Singh and defendant No.4-Rajinder Kaur, respondent No.1-plaintiff Manjit Inder Singh, defendant No.2 Baljit Inder Singh and defendant No.3 Satinder Kaur were born and they were held to be natural successors. Learned Courts had further held that marriage of appellant-Rani Mohinder Kaur @ Ram Piari with Sodhi Mohinder Singh was void marriage under Section 11 of Hindu Marriage Act, 1955 as she had been living in adultery during the subsistence of first marriage of Sodhi Mohinder Singh with defendant No.4-Rajinder Kaur.

11. It was further held that though marriage of appellant-Rani Mohinder Kaur @ Ram Piari was void, however, appellant-defendant No.1 was born out of wedlock of Sodhi Mohinder Singh and appellant-Rani Mohinder Kaur @ Ram Piari, therefore, though he was born from a void marriage, he still shall be entitled to estate of Sodhi Mohinder Singh being natural heir. Accordingly, appellant-defendant No.1 was held entitled to 1/5th share along with 1/5th share of respondent No.1-plaintiff whereas appellant-defendant No.1-Rani Mohinder Kaur was found not entitled to succeed estate of Sodhi Mohinder Singh.

12. Learned First Appellate Court had also come to the same conclusion as was arrived at by learned Court of First Instance while deciding issue No.l.

13. Therefore, the first issue which requires determination is as to who is legal heir of Sodhi Mohinder Singh.

14. As far as marriage of Sodhi Mohinder Singh with defendant No.4-

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Rajinder Kaur is concerned, same is not in dispute, same was also admitted by appellant-defendant No.1 while appearing as DW-5. It is also not in dispute that respondent No.1-plaintiff, defendant No.2-Baljit Inder Singh, defendant No.3-Satinder Kaur were born from wedlock of Sodhi Mohinder Singh and defendant No.4-Rajinder Kaur. It is also not in dispute that defendant No.4 and Sodhi Mohinder Singh got divorced vide judgment and decree dated 31.01.1974 (Ex.P2). It is pertinent to mention that statement of witnesses in divorce petition bearing No.11 of 1973 titled as 'Rajinder Kaur Vs. Sodhi Mohinder Singh and Ram Piari' seeking dissolution of marriage under Section 13 of Hindu Marriage Act, 1955, were placed on record as mark 'A' to mark 'K', contains statements of PW-2 to PW-12. Whereas, statement of PW-1 Govind Ram, who claimed to be husband of appellant-defendant No.5, has been placed on record as Ex.P1. Ex.P2 is judgment dated 31.01.1974 passed by learned Additional District Judge, Ferozepur vide which petition for dissolution of marriage preferred by defendant No.4-Rajinder Kaur against Sodhi Mohinder Singh and appellant-defendant-Ram Piari @ Rani Mohinder Kaur, was allowed holding that Sodhi Mohinder Singh, respondent No.1-plaintiff was living adultery with appellant-defendant-Ram Piari @ Rani Mohinder Kaur and therefore, divorce was granted to petitioner-Rajinder Kaur under Section 13(1)(i).

15. It is also not disputed that after passing of judgment dated 31.01.1974 and dissolution of marriage of Sodhi Mohinder Singh with defendant No.4-Rajinder Kaur, appellant-defendant-Ram Piari @ Rani Mohinder Kaur had also filed a suit for declaration in 1983 against Sodhi Mohinder Singh claiming herself to be wife of Sodhi Mohinder Singh. In said suit, Sodhi Mohinder Singh had admitted the claim made by appellant-defendant-Ram Piari @ Rani Mohinder Kaur and said suit was decreed vide judgment and decree dated

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02.02.1984 holding appellant-defendant-Ram Piari @ Rani Mohinder Kaur to be legally wedded wife of Sodhi Mohinder Singh.

16. From the reading of judgment and decree dated 31.01.1974, whereby marriage of defendant No.4-Rajinder Kaur was dissolved with Sodhi Mohinder Singh and judgment and decree dated 02.02.1984 wherein appellant-defendant-Ram Piari @ Rani Mohinder Kaur was held to be wife of Sodhi Mohinder Singh in fact goes to show that appellant-defendant-Ram Piari @ Rani Mohinder Kaur had been living with Sodhi Mohinder Singh at least from early 60s and had given birth to son i.e. appellant-defendant No.1 with alliance of Sodhi Mohinder Singh. It is also not in dispute that appellant-defendant-Ram Piari @ Rani Mohinder Kaur had taken divorce from Sodhi Mohinder Singh in year 1974 and therefore, she has ceased to be wife of Sodhi Mohinder Singh.

17. Learned counsel for appellants-defendants No.1 and 5 has argued that even if it is taken that appellant-defendant-Ram Piari @ Rani Mohinder Kaur was living in adultery with Sodhi Mohinder Singh during the subsistence of marriage with defendant No.4-Rajinder Kaur, even then her status as second wife stands established by judgment and decree dated 02.02.1984 as they have co-habitated as husband and wife and acknowledgment of marriage after taking divorce from defendant No.4-Rajinder Kaur, would raise presumption of valid marriage specially when it is admitted by Sodhi Mohinder Singh. They were living like husband and wife for more than 30 years and a son was born to them.

18. Learned counsel for respondent No.1-plaintiff on the other hand had argued that not only Sodhi Mohinder Singh was married with defendant No.4-Rajinder Kaur but appellant-defendant-Ram Piari @ Rani Mohinder Kaur was also married to Govind Ram and therefore, even though Sodhi Mohinder Singh got divorce in year 1974, however, appellant-defendant-Ram Piari @ Rani

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Mohinder Kaur remained married to Govind Ram. Therefore, subsequent judgment and decree dated 02.02.1984 could not be taken in consideration to conclude valid marriage between Sodhi Mohinder Singh and appellant-defendant-Ram Piari @ Rani Mohinder Kaur.

19. On consideration, I find merit in the contentions raised on behalf of learned counsel for appellants-defendants No.1 and 5. Admittedly, defendant No.4-Rajinder Kaur had taken divorce from Sodhi Mohinder Singh in year 1974, the said divorce had attained finality. So far as Sodhi Mohinder Singh was concerned, he had no difficulty in marrying for second time after year 1974 till his death on 14.02.1985. Therefore, after divorce, he could very well contracted the second marriage. Asfar as subsistence of marriage with Govind Ram is concerned, there is no material on record to show that said Govind Ram was alive in year 1983 when suit seeking declaration that appellant-defendant-Ram Piari @ Rani Mohinder Kaur is legally wedded wife of Sodhi Mohinder Singh, was filed. One of the suggestions given to DW-5 by plaintiff was that appellant-defendant No.5 was widow of Govind Ram. This goes to show that Govind Ram had died. However, his date of death has not been placed on record by respondent No.1-plaintiff to show that at the time of filing of suit in 1983 seeking declaration of marriage with Sodhi Mohinder Singh, appellant-defendant No.1 was still legally wedded to Govind Ram.

20. The judgment and decree declaring status of parties regarding their marriage is a judgment in rem. It was never challenged by either of the parties or by Govind Ram. It was for respondent No.1-plaintiff to show that the claim of marriage by appellant-defendant-Ram Piari @ Rani Mohinder Kaur in year 1983, when she filed suit seeking declaration regarding validity of her marriage was wrong as on said date, she was already married to Govind Ram and Govind

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Ram was alive on said date. No such evidence is available on record. Therefore, the judgment and decree dated 02.02.1984, declaring status of appellant-defendant-Ram Piari @ Rani Mohinder Kaur as wedded wife of Sodhi Mohinder Singh cannot be ignored unless it is shown that Govind Ram was alive when claim of marriage with Sodhi Mohinder Singh was made.

21. Learned Courts below have therefore, clearly erred in ignoring this aspect of the case. The presumption of marriage, when both the parties of marriage admits the same, is always in favour of valid marriage unless said presumption is rebutted by showing that marriage was void or voidable. In the present case, once Sodhi Mohinder Singh as well as appellant-defendant-Ram Piari @ Rani Mohinder Kaur, both have claimed valid marriage which is further supported by fact of co-habitation for more than 30 years and birth of a son out of said co-habitation, then their claim that they had married, cannot be ignored unless it is shown that appellant-defendant-Ram Piari @ Rani Mohinder Kaur could have married and her first marriage with Govind Ram still subsisted. Accordingly, findings on issue No.1 are modified. It is held that Sodhi Mohinder Singh had married twice during his lifetime, once with defendant No.4-Rajinder Kaur and for the second time with appellant-defendant-Ram Piari @ Rani Mohinder Kaur. Both the marriages were valid marriages. Therefore, plaintiff, defendant Nos.1 to 3 & defendant No.5 all are natural legal heirs of Sodhi Mohinder Singh entitled to claim natural succession. Defendant No.4-Rajinder Kaur being divorced wife was not entitled to succeed Sodhi Mohinder Singh after his marriage with appellant-defendant-Ram Piari @ Rani Mohinder Kaur.

22. Second issue which arises in present appeal and has been held against appellants/defendants by both the Courts is issue No.3 as regards to validity of Will dated 02.10.1983. It was the case of appellants-defendants No.1

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and 5 that deceased-Sodhi Mohinder Singh who had died on 14.02.1985, had executed Will dated 02.10.1983 whereby he had duly bequeathed suit properties in favour of appellants-defendants No.1 and 5. However, both the Courts below have concluded that appellant-defendants No.1 and 5 have failed to prove Will to be validly executed by Sodhi Mohinder Singh. Both the Courts on the basis of evidence of handwriting expert PW-3 had found that same is not signed by Sodhi Mohinder Singh and Will is surrounded by numerous suspicious circumstances. Both the Courts had taken in consideration suspicious circumstances such as that testator was resident of Ferozepur and property was also situated in Ferozepur whereas Will was executed at Chandigarh. That the Scribe DW-1 Mr. N. K. Nanda, Advocate and attesting witness DW-3, both were totally unknown to the testator which raises doubt regarding due execution in view of fact that signatures of Sodhi Mohinder Singh on Will had not matched with his specimen signatures on written statement and vakalatnama in suit decreed vide judgment dated 02.02.1984. It was also held that Will was surrounded by doubt as there were cuttings in the endorsement made by Sub Registrar at the time of registration of Will which was done subsequently and not on the day of execution of Will. The Courts below had also taken in consideration fact that appellant-defendant No.1 had taken active part in execution of Will as it was he who was present and had paid fee to attesting witness. On the basis of handwriting expert report as well as suspicious circumstances surrounding the Will, Will was held to be not proved.

23. Learned counsel for the appellants-defendants No.1 and 5 had argued that learned Courts below have erred in rejecting the Will executed by Sodhi Mohinder Singh. He had argued that from the previous litigation, it is clearly made out that Sodhi Mohinder Singh was not having cordial relationship

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with respondent No.1-plaintiff and defendant Nos.2 to 4 as he had litigated with defendant No.4 and was divorced by defendant No.4 by decree of divorce dated 31.01.1974. It was argued that litigation regarding maintenance and fact that respondent No.1-plaintiff and defendant Nos.2 and 3 were residing with their mother, is also proved. The factum of relationship of Sodhi Mohinder Singh with respondent No.1-plaintiff and defendant Nos.2 to 4 is clearly made out from the assertions made in Will dated 02.10.1983 wherein he had clearly stated that he had already transferred sufficient property in the name of defendant No.4-Rajinder Kaur and his son and daughters respondent No.1-plaintiff and defendant Nos.2 and 3.

24. Perusal of Will Ex.DW1/A in fact goes to show that it was drafted by N. K. Nanda, Advocate, Chandigarh (DW2) and both the attesting witnesses belonged to Chandigarh, one was Proprietor, Friends Autodeals, Chandigarh and another was Kuldeep Singh, Advocate from Chandigarh.

25. In order to prove execution of Will by testator Sodhi Mohinder Singh as well as its registration, appellants-defendants No.1 and 5 had examined Amrik Singh, Official from Office of Sub-Registrar, Chandigarh as DW1 who had duly proved record pertaining to registration of Will and had stated that Will dated 02.10.1983 was registered on 05.05.1986. Admittedly, Sodhi Mohinder Singh had died on 14.02.1985 and suit in present case was filed on 31.01.1986. Therefore, registration is clearly after his death and filing of suit. He clearly stated that the Will was presented by appellant-defendant No.1-Dilshar Singh. In his cross-examination, he admitted that neither Sodhi Mohinder Singh nor appellant-defendant No.1 was known to him. He admitted that there was cutting in the register and name of Sodhi Mohinder Singh has been deleted and name of appellant-defendant No.1-Dilshar Singh has been added. He also admitted that

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the said cutting in register is not attested or signed by Sub-Registrar. He claimed that said cutting was done by him at the time of comparison of Will.

26. Scribe of Will Sh. N. K. Nanda, Advocate was examined as DW-2. He claimed that Will Ex.AW1/A was drafted by him on the asking of Sodhi Mohinder Singh who had executed the Will in his presence. He also had signed the same as scribe. He claimed that Will was read over to testator who appended his signatures. He duly identified the signatures of Sodhi Mohinder Singh. He also claimed to have presented said Will before Office of Sub-Registrar after the death of Sodhi Mohinder Singh. He also identified signatures of appellant-defendant No.1-Dilshar singh who had signed at the time of registration of Will. In his cross-examination, he had admitted that Sodhi Mohinder Singh was not known to him, he was introduced by one Gurmel Singh. He was not known to Sodhi Mohinder Singh and had no dealing with Sodhi Mohinder Singh prior to execution of Will. He stated that he came to know appellant-defendant No.1-Dilshar Singh after execution of Will as appellant-defendant No.1-Dilshar Singh had been coming to him to consult legal matters. He claimed that he does not maintain any register for scribing the documents. He also claimed that two days prior to execution of will, Sodhi Mohinder Singh had come with Gurmel Singh and rough draft was given to him. He had told Sodhi Mohinder Singh that Will be made in one or two days. He also claimed that he was living in House No.1175, Sector-21, Chandigarh which was at back of his house. He also claimed that appellant-defendant No.1-Dilshar Singh was also introduced by Gurmel Siungh who was property dealer at Chandigarh and at that time, he was dealing with sale and purchase of cars, buses and trucks.

27. One of the attesting witnesses namely Kuldeep Singh Sond, Advocate appeared as DW-3. He claimed that before signing of Will, it was read

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over to Sodhi Mohinder Singh, who had signed the same after admitting same to be correct. He identified signatures of Sodhi Mohinder Singh on Will Ex.DW1/A. He stated that he was again summoned by Sub-Registrar for registration of Will and thereafter, Sub-Registrar had registered the Will after recording his statement. He also claimed that Gurmel Singh had also appeared before the Sub-Registrar along with Sh. N. K. Nanda, Advocate who had scribed the Will. He also identified signatures of Sh. N. K. Nanda, Advocate. He claimed that it was Gurmel Singh who had called him on 02.10.1983. He admitted that Sodhi Mohinder Singh was not known to him. That when he had reached, Will was already ready. He admitted that he was dealing with Sh. N. K. Nanda, Advocate since 1977. He also claimed that Gurmel Singh used to come to him in connection with attesting of documents of sale and purchase of vehicles. He also admitted that he used to get consideration for attesting the documents and had got Rs.100/- for attesting the Will from appellant-defendant No.1-Dilshar Singh. He also stated that there was no cutting when he had signed before Sub-Registrar. He admitted that there was cutting/addition in the endorsement Ex.DW/1A. He also stated that he was not aware as to whether appellant-defendant No.1 was residing in House No.1175. He claimed that appellant-defendant No.1-Dilshar Singh was introduced by Gurmel Singh. He claimed that initially testator Sodhi Mohinder Singh had signed the Will, thereafter, Sh. N. K. Nanda, Advocate, thereafter, Gurmel Singh and lastly he had signed the Will.

28. On consideration of evidence led by appellants-defendants No.1 and 5 in order to prove execution of Will dated 02.10.1983, I am of the view that both the Courts have rightly concluded that Will is surrounded by suspicious circumstances and cannot be held to be valid. Admittedly, both DW-2 and DW-

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3 i.e. Scribe Sh. N. K. Nanda, Advocate and Sh. Kuldeep Singh Sond, Advocate were not known to Sodhi Mohinder Singh. They have claimed that they have met Sodhi Mohinder Singh only in relation to execution of Will. In fact, Sodhi Mohinder Singh was introduced to them as such by one Gurmel Singh. Both had claimed to have charged their professional charges for scribing and attesting the Will.

29. Gurmel Singh, the second attesting witness in fact was not examined. Further, grave suspicion arises regarding active participation of appellant-defendant No.1 in execution of Will as DW-3, the only attesting witness examined before the Court, had admitted that he was paid his professional duty amounting to Rs.100/- for attesting the Will by appellant-defendant No.1-Dilshar Singh.

30. Learned Courts below have correctly concluded that the execution of Will is not beyond suspicion as neither scribe nor attesting witness was known to testator. This in fact creates doubt about identification of testator.

31. The above-noted circumstances further compounds suspicion over Will specially when testator who was resident of Ferozepur got his Will executed at Chandigarh which was scribed and attested by strangers who were unknown to him. No material has been placed on record to prove that Sodhi Mohinder Singh at the time of execution of Will was residing at Chandigarh. Persual of Will Ex.DW-1/A no doubt goes to show that testator in will was stated to be living at House No.1175, Sector-21, Chandigarh. However, no proof of his residence has been placed. The best evidence in the shape of Gurmel Singh, who was the only person as per DW-2 and DW-3, who was known to testator was not examined, in order to prove that the Will was executed by Sodhi Mohinder Singh alone. These facts assume significance in light of evidence of

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PW-3 handwriting expert who had examined specimen signatures S1 to S3, which were taken from written statement and vakalatnama filed by testator in the Court of learned Sub Judge, Ist Class, Ferozepur in the suit filed by appellant-defendant No.5 against Sodhi Mohinder Singh seeking declaration that she is his legally wedded wife. The said suit was allowed on the basis of written statement and vakalatnama which was stated to be executed by Sodhi Mohinder Singh. The said signatures were compared with signatures on Will. Vide his detailed report, Satwant Puri PW-3 handwriting expert had duly asserted that disputed signatures on Will. Q1 was a clear cut piece of forgery and it does not match with specimen signatures S1 to S3. His detailed cross-examination, which is also in the form of questions and answers in fact, goes to show that expert was cross-examined only with the help of another expert in the field. The detailed technical aspects of handwriting comparison were put to PW-3 who had duly answered them and struck to his opinion that Q1 (signature on will) was not the signatures of Sodhi Mohinder Singh. The report of handwriting expert assumes significance in view of fact that Will was scribed and attested by persons who were totally unknown to him. It is not even clear as to whether the person who had represented them as Sodhi Mohinder Singh was Sodhi Mohinder Singh or not.

32. All the circumstances noted by learned Courts below therefore, makes Will highly doubtful and suspicious. Both the learned Courts had therefore, rightly concluded that Will was not executed by Sodhi Mohinder Singh. The conclusion drawn by learned Courts below is based upon correct appreciation of evidence and therefore, cannot be gone into or disturbed by this Court in present regular second appeal. No other question of law arises in present regular second appeal.

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33. In view of above discussion, it is held that appellants-defendants No.1 and 5 are also natural heirs of Sodhi Mohinder Singh and entitled to succeed his estate way of natural succession along with plaintiff. The findings of learned Courts below that respondent No.1-plaintiff is entitled to 1/5th share out of suit property is also maintained and upheld in view of finding that defendant No.4-Rajinder Kaur was not entitled to succeed estate of Sodhi Mohinder Singh as her marriage with Sodhi Mohinder Singh stood dissolved in year 1974. The judgments passed by learned Courts below are accordingly, modified to limited extent noted above in view of findings on issue No.1. The findings of issue No.3 is upheld.

34. Present regular second appeal is accordingly, disposed off in above terms.

35. Pending applications, if any, also stands disposed of.

13.10.2026 **(PARMOD GOYAL)**
Ravinder **JUDGE**

Whether speaking/reasoned *Yes*
Whether reportable *Yes/No*

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