

**IN THE FAMILY COURT**

Before:

**HIS HONOUR JUDGE MORADIFAR**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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In the matter of:

Randhawa v Randhawa

(Divorce: Decree Absolute, Set Aside, Forgery)

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Louise Potter counsel instructed by CL Law on behalf of the applicant

Christopher Stirling counsel instructed by Debidins on behalf of the respondent.

Dates of the hearing:

24, 25, 26, 27 and 28 May 2021, 24 June 2021

and 4 and 5 October 2021

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HHJ Moradifar

This Judgment was delivered in open court.

**His Honour Judge Moradifar:**

Introduction

1. The parties were married on 15 August 1978. On Mr Randhawa's Petition for divorce dated 22 January 2010, the Slough County Court

(as it then was known) granted a final decree in divorce on 29 April 2010 on the grounds that the marriage had irretrievably broken down due to Mrs Randhawa's unreasonable behaviour. Mrs Randhawa now applies to set aside the said decree of divorce as she alleges that,

- a. the divorce proceeded without any notice to her, and
  - b. that the acknowledgement of service document in which it is asserted that she has received the Petition for divorce and does not wish to defend it, was never signed by her, and
  - c. any signature on that document purporting to be her signature is a forgery.
2. Mr Randhawa resists this application and denies Mrs Randhawa's allegations. Broadly, he asserts that Mrs Randhawa was fully aware and engaged in the divorce process. For cultural reasons and out of concern or to save embarrassment for their children, they kept the divorce a secret. Mr Randhawa has since remarried and has a child by his new wife.

### Issues

3. Therefore, the broad issues in the case may be identified as follows;
- a. What was Mrs Randhawa's knowledge of the divorce Petition dated 22 January 2010 ?
  - b. Did Mrs Randhawa sign the acknowledgement of service that was signed on 11 February 2010? If not,
  - c. Was the signature forged by Mr Randhawa or on his behalf?
  - d. Depending on the answers to the above questions, should the decree absolute stand or be dismissed?

### The law

4. It is a simple and general proposition of the law that the party seeking to rely on a disputed fact must prove that fact. In civil and family proceedings such facts must be proven on a balance of probabilities. The applicable practice and procedure has been most helpfully

summarises by Baker J (as he then was) in *Re JS [2012] EWHC 1370 (Fam)*. Following this decision, Jackson J (as he then was) in *Lancashire County Council v C, M and F (Children: Fact finding Hearing) [2014] EWFC 3* added a further item to this invaluable list of important considerations. Furthermore, I have considered and applied the observations of the former President of the Family Division in *Re A (A child) [2016] 1 FLR 1*. Although these cases were concerned with children in public law proceedings, the legal principles that are set out therein are equally relevant to cases such as this. More recently in *Re A, B And C (Children) [2021] EWCA Civ 45* Lady Justice Macur most helpfully stated:

*“54. That a witness's dishonesty may be irrelevant in determining an issue of fact is commonly acknowledged in judgments, and with respect to the Recorder as we see in her judgment at [40], in formulaic terms:*

*"that people lie for all sorts of reasons, including shame, humiliation, misplaced loyalty, panic, fear, distress, confusion and emotional pressure and the fact that somebody lies about one thing does not mean it actually did or did not happen and / or that they have lied about everything".*

*But this formulation leaves open the question: how and when is a witness's lack of credibility to be factored into the equation of determining an issue of fact? In my view, the answer is provided by the terms of the entire 'Lucas' direction as given, when necessary, in criminal trials.*

*55. Chapter 16-3, paragraphs 1 and 2 of the December 2020 Crown Court Compendium, provides a useful legal summary:*

*"1. A defendant's lie, whether made before the trial or in the course of evidence or both, may be probative of guilt. A lie is only capable of supporting other evidence against D if the jury are sure that: (1) it is shown, by other evidence in the case, to be a deliberate untruth; i.e. it did not arise from*

*confusion or mistake; (2) it relates to a significant issue; (3) it was not told for a reason advanced by or on behalf of D, or for some other reason arising from the evidence, which does not point to D's guilt.*

*2. The direction should be tailored to the circumstances of the case, but the jury must be directed that only if they are sure that these criteria are satisfied can D's lie be used as some support for the prosecution case, but that the lie itself cannot prove guilt. ... "*

*56. In Re H-C (Children) [2016] EWCA Civ 136 @ [99], McFarlane LJ, as he then was said:*

*"99 In the Family Court in an appropriate case a judge will not infrequently directly refer to the authority of Lucas in giving a judicial self-direction as to the approach to be taken to an apparent lie. Where the "lie" has a prominent or central relevance to the case such a self-direction is plainly sensible and good practice.*

*100 ... In my view there should be no distinction between the approach taken by the criminal court on the issue of lies to that adopted in the family court. Judges should therefore take care to ensure that they do not rely upon a conclusion that an individual has lied on a material issue as direct proof of guilt."*

*57. To be clear, and as I indicate above, a 'Lucas direction' will not be called for in every family case in which a party or intervenor is challenging the factual case alleged against them and, in my opinion, should not be included in the judgment as a tick box exercise. If the issue for the tribunal to decide is whether to believe X or Y on the central issue/s, and the evidence is clearly one way then there will be no need to address credibility in general. However, if the tribunal looks to find support for their view, it must caution itself against*

*treating what it finds to be an established propensity to dishonesty as determinative of guilt for the reasons the Recorder gave in [40]. Conversely, an established propensity to honesty will not always equate with the witness's reliability of recall on a particular issue.*

*58. That a tribunal's Lucas self-direction is formulaic, and incomplete is unlikely to determine an appeal, but the danger lies in its potential to distract from the proper application of its principles. In these circumstances, I venture to suggest that it would be good practice when the tribunal is invited to proceed on the basis , or itself determines, that such a direction is called for, to seek Counsel's submissions to identify: (i) the deliberate lie(s) upon which they seek to rely; (ii) the significant issue to which it/they relate(s), and (iii) on what basis it can be determined that the only explanation for the lie(s) is guilt. The principles of the direction will remain the same, but they must be tailored to the facts and circumstances of the witness before the court”.*

5. It is agreed between the parties that if I find that there are serious procedural irregularities in the Respondent's petition for divorce and the process that was followed, and in particular a lack of service, then the decree granting the divorce must be set aside. As Sir John Arnold P observed in Edrahim v Ali (Otherwise Edrahim), (Queen's Proctor intervening) [1984] FLR 95

*“It is, in my judgment, quite plain that where there has been no service of process any order made in the litigation in which process should have been served must necessarily be void, unless service has been in some way dispensed with validly. This is a case in which orders were made; first the decree nisi, subsequently the making absolute of that decree, on the basis of a supposed service of a process which had never been served at all. I take that fundamental proposition as regards the law in general from Craig v Kanssen [1943] KB 256, a decision of the Court of Appeal, in which such lack of service was described by Lord Greene MR as rendering the*

*subsequent order void because of that, as he said, fundamental vice”.*

Additionally, I have further considered and applied as I must the observations of the former President of the Family Division, Sir James Munby in M v P [2019] EWFC 14 (22 March 2019).

### Background

6. Mrs Randhawa was born in 1959 and Mr Randhawa in 1962. They were married in the Slough Register Office on 25 August 1978. At the time of the marriage, they were respectively nineteen and sixteen years old. They have four children of the marriage. Sukhpreet is now an adult and lives with his own family. Gupreet and Gurjaspreet are the parties’ daughters. They too are adults and live with their mother. The parties’ second son Manpreet sadly died in 2003 when he was fourteen years old.
7. Over the years the parties have been involved in a number of property transactions and through their hard work and wise investment have amassed a small fortune. These properties include;
  - a. Shops in Slough and High Wycombe that were purchased in 1987.
  - b. The family home now occupied by Mrs Randhawa and the parties’ daughters, identified as 10 Cedar Way.
  - c. Chalvey Shopping Centre. The lease on this property was acquired in parties joint names in October 1990 and subsequently registered in Mrs Randhawa’s sole name in March 1999. On 28 March 2012, this property was transferred to the sole name of Mr Randhawa and registered in Mr Randhawa’s sole name on 17 April 2012. The property was sold in April 2019 with the net proceeds of sale being held to the parties’ joint order in Mr Randhawa’s solicitor’s client account.
  - d. Quaves Road Property where Sukhpreet and his family now live. This property is in Mrs Randhawa’s sole name and was re-mortgaged in her name in March 1999.

e. Cuxton Road, a property that was purchased by Mr Randhawa in April 2010.

There are significant disputes about these property transactions and Mrs Randhawa's knowledge of the same. These will be further detailed later in this judgment.

8. The parties also disagree on the date and the circumstances of their separation. On Mr Randhawa's case, they were separated when he left the family home in October 2009. Prior to that date the parties had started discussing their divorce in 2008 and in September 2009 Mrs Randhawa was aware of his relationship with Satwinder Kaur with whom he began to cohabit in December 2009. This preceded his divorce petition that was issued on 22 January 2010. The parties having agreed to divorce 'in secret', the divorce documents were served at the Quaves Road property. Mr Randhawa and Ms Kaur's child was born on 1 September 2010. They were married on 6 September 2011.
9. Mrs Randhawa denies having knowledge of much of the above. On her case they were very much married although separated. They attended family functions as husband and wife. She was aware of some rumours that Mr Randhawa had a child with another woman. At first he stated that Manpreet was his grandchild in circumstances where he was born using their deceased son's gametes. The subsequent DNA test in March 2011 proved otherwise by identifying Mr Randhawa as the father. She had no knowledge of the divorce until she petitioned for judicial separation in December 2019.
10. The matter has since proceeded on a contested basis. Sadly the case has suffered with a great deal of delay. The final hearing that was listed in January 2021 was adjourned due to some of the parties and witnesses contracting Covid-19. The matter was relisted in May of the same year when evidence was heard over 5 days. Thereafter following written submissions a hearing for oral submissions was listed in June. That hearing was part heard as Mrs Randhawa applied to adduce further evidence that required further listing of this matter for two days in October of this year.

Evidence

11. Miss Ellen Radley was the first of the witnesses to give an oral testimony. She is a Forensic Document Examiner who was jointly instructed by the parties to undertake an examination of the material documents and the purported signatures of the parties. She confirmed that her report dated 14 August 2020 and the addendum thereto dated 29 September 2020 remain accurate and that her opinion had remained unchanged. She explained that in her report she identified five levels of certainty by which her opinion is expressed. These are conclusive opinion, very strong evidence in support of a proposition, moderate evidence in support of a proposition, limited positive evidence in support of a proposition and inconclusive. Miss Radley further explained that the last of the five would fall outside the civil standard of proof and the remaining four supportive of proving a fact on the said standard. In summary she found that;

- a. Compared to the known sample signatures of Mrs Randhawa, there is *“very strong evidence to support the proposition that the questioned signature was not written by [Mrs Randhawa] but that it is a simulation (freehand copy) of her genuine signature style, by another individual”*.
- b. It is *“highly unlikely”* that the signature was deliberately modified by W or altered due to any circumstances that it was signed in including or an accidental modification.
- c. There is no reliable evidence to accurately assess if H written the signature in question and this proposition must in her opinion be assessed as *“inconclusive”*.

12. Miss Radley gave several characteristic examples in support of her conclusions that included the letter ‘P’ reaching below the base line, this being an imaginary base line that is individual to each person, construction and the formation of letter ‘a’, the unusual construction of the second ‘a’, the elongated ‘w’ (although this may be explained and not determinative) and significantly the terminal stroke which is scribed by a reflex action and illustrates a significant difference with Mrs Randhawa’s known sample signatures. She further stated that a

deliberate disguised signature will have features of the writer's handwriting that would reveal the attempt at a disguised signature. In this case, she found no such evidence, thus making this proposition highly unlikely. She also explained that it can be difficult to identify the 'forger' but not impossible. It requires a clear signature or writing and a known sample of similar characters so that a like for like comparison may be made. This requires sufficient known samples from different documents such as letters, notes and diaries that have the lower and upper cases of letters. In the samples that were provided by Mr Randhawa, she was not offered the opportunity to undertake such an investigation as those samples were insufficient. She observed that the signature was clear and with a larger known sample such an analysis and identification may have been possible.

13. Miss Radley finally stated that there were three disputed sample documents (20-22) that she had discounted when reaching her conclusions as these documents were not agreed. She did comment that there were some similarities in document 22 but could not comment any further. She did not agree with the suggestion that there may have been a cutting and pasting of a signature on one of the relevant pages. She explained that this would be impossible to assess and accepted that if there is reliable evidence of a wet signature on a document, then the proposition of a cut and paste cannot be maintained.

14. Mrs Randhawa confirmed the contents of her statement to be true and accurate. Mrs Randhawa was taken through a number of property transactions. She strongly denied any knowledge or giving consent to the mortgage that was taken out on Quaves Road in 2006. She stated that she did not sign any mortgage applications and she first became aware of it when she received a letter from the mortgage company stating what the monthly payments were. She did not see the mortgage deed until more recently when her solicitor showed it to her. She was aware that in 2007 that "*her husband*" needed money and agreed to the transfer of the two leases on numbers 10 and 11 to his name. This generated £120,000 for each lease and she is not aware how the money was used by Mr Randhawa. She was keen to have the Chalvey Road property in her name. She denied having legal advice about this or

being advised to seek the same. There was a cheque that was made payable to her but she denied ever receiving it. She speculated that this may have been put into the joint account that she held with Mr Randhawa. He also wanted to take out a mortgage on the Chalvey Road shopping centre and Mrs Randhawa was keen that her name should be included on the title of the Kingfisher property. Mr Randhawa refused. Mrs Randhawa denied any knowledge or dealings with Prospect Tax Advisers or signing any TR1 forms that transferred any property to Mr Randhawa's name. Mrs Randhawa observed that the TR1 form does not have her address on it. She denied that her son ever spoke to her about this. She did not live in Kent. She questioned why she would transfer any property to Mr Randhawa's name knowing that he has had a child with another woman.

15. The applicant continued by making clear that there were a number of property dealings through their marriage and that she has never stated that she has bought properties to the exclusion of the husband. However, she was very clear that Chalvey Road was subsequently transferred to her name in exchange for the borrowing that was raised against the matrimonial home. She continued to deny having any awareness of any borrowing on Quaves Road. She agreed that in 2006 the matrimonial home was re-mortgaged to assist with the purchase of 105 the High Street but continued to deny any knowledge of the borrowing on Quaves Road. She was "*one hundred percent sure*" that she did not sign any documents relating to borrowing on Quaves Road. When pressed on the detail of the transactions by reference to the relevant documents, she struggled to recall some of the detail. However, she was clear that from 2006 onwards she has had no dealings with the husband's solicitor Mr Debidin who continues to represent him in these proceedings. She denied signing a Statutory Declaration in 2012 and stated that she never uses "*RK Randhawa*" as her signature. Mrs Randhawa agreed that in 2010 she signed the Lancashire mortgage documents but stated that Mr Randhawa had threatened her with divorce. He threatened her on the way to the solicitor's office and in front of the solicitor. Her son and daughter were also there, but her son has now sided with Mr Randhawa.

16. Mrs Randhawa was clear that she has never lived at Quaves Road and has never received any legal documents, including documents relating to any divorce, at that address. There was a period in 2010 when her nephew resided with her at her address. He worked with Mr Randhawa. Out of respect for Mrs Randhawa, he never told her directly but told his mother about Mr Randhawa having a child with another woman. When challenged, Mr Randhawa told her that this was the child of their deceased son in circumstances where they had preserved his gametes before he had passed away. She was unsure if her husband had made such arrangements but her son and daughter suggested a DNA test which proved that Mr Randhawa was the child's father. Mr Randhawa left the family home in March 2011 after the DNA results became known to them. After leaving Mr Randhawa has not spoken to the respondent and has only communicated indirectly through the children.
17. Mrs Randhawa agreed that she and the respondent never really recovered from the death of their son. She stated that her "*husband did not stand by*" her. He had a lot of affairs but she maintained that he did not leave until 2011. Before then he spent time away staying in Birmingham and Kent. Mrs Randhawa was challenged about her knowledge of the young Manpreet. She became very upset when discussing this subject and denied knowing that her husband had a child. She was very upset when questioning why he used her son's name. She denied having discussions about divorce in 2009. She continued to deny knowing about the divorce or signing any documents relating to it. She maintained that she only became aware of the divorce later after she petitioned for judicial separation. Her solicitor had checked if he was married to another person but the results were wrong as her solicitors did not use the correct details for the search.
18. Some weeks later, Mrs Randhawa was called to the witness box again. In the intervening period she and her daughter had recalled and located an image of Mr Randhawa's marriage certificate to Ms Kaur. She explained that her daughter had sent her this and she was very upset by it. This caused her to ask her solicitors to look at 'the register' to see if it was correct. At the time she was told it was not although it

now appears that they may have used the wrong details. She denied that this was ‘made up’ to strengthen her case.

19. Mr Randhawa was the last of the parties to give evidence. He confirmed the contents of his three statements to be true and accurate. Mr Randhawa stated that he would ask for help with filling in some complicated forms but not simple forms. He was clear that if a formal document required a witnessed signature, he would read it, sign and witness the signature. He was taken to property questionnaires in respect of Chalvey Road and accepted that the property was not in his name and yet the documents show his name. He explained that “*my wife said she would sign it [the property] over*”. He accepted that the dealing with Chalvey Road started in 2011 and took a long time. He was unable to explain why the valuation report was undertaken in the joint names of the parties. He was unable to explain why the Lancashire charges, having been created in 2007, were not registered until 2010. He observed that “*It is not my job to register*”.
20. By reference to the £120,000 raised on each of the flats, Mr Randhawa accepted that half of those sums were not paid to Mrs Randhawa. He explained that this was a refinancing arrangement to pay off the commercial loans on Chalvey Road for a more favourable personal loan rate. He accepted that his legal documents were still being sent to the former matrimonial home but denied living there. He agreed that brokers had been instructed to advise on change of title into his sole name. Mr Randhawa continued to be challenged about his property dealings and was unable to recall much of the detail. He denied that the reference to a “*major stumbling block*” in an email (dated 8 March 2012) from his solicitor was referring to Mrs Randhawa. He accepted that on his case the TR1 form had already been signed by Mrs Randhawa and witnessed by Mr Chadda. He stated that the concerns were about the remaining documentation. He did not explain why there was an identified need for another transfer to be signed when one already had been signed.
21. Mr Randhawa continued his evidence by explaining that the divorce Petition was typed by his friend Mr Amrit Singh Bophal after providing him with the necessary information. He could not explain

why he did not ask a solicitor to assist. His friend helped him and typed the document on his instructions. He accepted that the petition wrongly stated that the parties did not live together. Although this wasn't true, it was designed to avoid any correspondence going to Mrs Randhawa's address. He accepted that Mrs Randhawa never lived at Quaves Road. He also accepted that he was at this time in a relationship with Ms Kaur and that she was pregnant. He accepted that he wanted a divorce. He further accepted that the particulars inaccurately stated that he left the matrimonial home in January 2009. He stated that he met up with Mrs Randhawa and filled in the acknowledgement of service form. She said that she would sign and post it. He was challenged about why Mr Bophal was never mentioned and explained that he did not feel that he needed to mention every detail.

22. When asked if he accepted that the signature was not Mrs Randhawa's he said that *"it looks like her signature"*. He was unable to explain why there were pencil marks on the form and speculated that Mr Bophal may have marked the document. By reference to the acknowledgement of service to the divorce petition, Mr Randhawa assumed that she had signed the document as she said she would. He was then taken through his affidavit in support of his petition. He confirmed that the last incident relied upon was in January 2009 and he continued to live with Mrs Randhawa for nine months thereafter. Mr Randhawa became very evasive at this stage and struggled to answer many of the questions on this topic. Later he was called into the witness box to respond to his daughter's assertion about the discovery of his marriage certificate. He explained that his daughter was working for him at that time and this document was kept in a filing cabinet at his work. They did move offices at around that time but his daughter had no reason to be looking in that particular filing cabinet where he kept his personal documents.

23. Mr Randhawa denied the version of events leading to the DNA test of his youngest child being undertaken. He denied ever mentioning that he was born from his late son's gametes. He always knew that his youngest child was his. However, there was concern about his age and the children suggested that he should obtain a DNA test. He called his new born Manpreet for *"sentimental reasons"*. He was asked about

the impact of this on his family and his then wife. Mr Randhawa did not believe that this would impact on Mrs Randhawa showing little empathy for her. Finally he accepted that he had a criminal conviction in France for people trafficking and served a three month term of imprisonment. He denied being knowingly responsible and stated that he was caught up in difficult circumstances that saw him convicted despite his lack of knowledge. .

24. Miss Gupreet Kaur Randhawa is the parties' daughter and the first of the children to give evidence. After making a minor alteration to her statement she confirmed its contents to be true and accurate. She denied giving evidence out of loyalty to her mother rather is was to "*tell the truth*". She spoke of the difficulties in her parents' relationship and confirmed her account of violence as set out in her statement to be accurate. She worked for her father from about 2016 onwards but denied any knowledge of her father's dealings about the sale of Chalvey Road. She denied attending any meetings or being made aware of the same. She first found out by email in 2017 and informed her mother about this. She was aware that the property was in her mother's sole name. The said email was sent to her father's email account and at that time she had access to the same. She explained this was why her mother contacted solicitors to find out what was going on.

25. Miss Randhawa further explained that she had become aware of her father's child. He had maintained that he was born using their late brother's gametes. She and her brother attended her uncle's home where her father was present. Their father stated that he wanted his child to be a part of their family. Miss Randhawa had misgivings about her father's version of events and together with her brother suggested undertaking a DNA paternity test. The results are exhibited to her statement that show young Manpreet is indeed his son. Mr Randhawa moved out of the family home in March 2011 after the DNA test result became known. She did not recall him coming back to the property where she lives with her mother.

26. She denied that Mr Chadda visited the property or that she was present. The parents' relationship ended in March 2011 and her father never

visited again. They attended some family functions for examples family weddings in 2015 and 2016. When challenged about the alleged assault perpetrated on her mother, she explained that her father wanted to use their home as security for a loan for a friend who was buying a property in Birmingham. Her mother refused and Miss Randhawa could hear the commotion upstairs. She and her brother went upstairs and found their father strangling their mother and threatening to push her out of the window. She and her brother had to “*pull him off*”. She also recalled the arguments in 2010 when attending Mr Lall’s office. She was clear that her father was threatening to divorce her mother in front of “*the solicitor*”. Miss Randhawa was later recalled to confirmed truth of her further statement in which she describes how she came to find a copy of the certificate for the marriage of her father and Ms Kaur. She produced a copy of the image of the certificate that she sent to her mother later in the evening.

27. Mr Sukhpreet Singh Randhawa was the last of the family members to give evidence who confirmed the contents of his statement to be true. In that statement he makes clear that for as long as he can remember, his father has dealt with the businesses and made such arrangements as have been deemed to be appropriate. He commented on some of his mother’s “*strange behaviours*” that have caused difficulties and tension within the family as well as his relationship with his mother. He confirmed his signature that appeared on a note from a meeting with Mr Debidin in 2007. When asked who was present he replied, “*it would have been the three of us*”. He also recalled the meeting at Mr Lall’s office. He stated that his parents went in with Mr Lall and “*there were raised voices*”. He further observed that there may be some “*language barriers*” when translating words spoken in Punjabi. For example, he said, ‘swearing’ may be more akin to ‘spoken with bitterness’.

28. When pressed, he stated that there was always a lot of tension in his family and his marriage was probably the biggest cause of it. Whatever his father wanted to do, his mother would want the opposite and always arguing. He was aware that his mother objected to the sale of properties when they went to see Mr Lall. He was not aware who held the legal titles and considered the properties to belong to both his

parents. His mother trusted him and his sister who would often read documents for her before she took any action. After 2006, she was more reliant on his sister. He described his mother's oppositions to his father's plans as "*like hitting your head against a brick wall*". He has made it clear that since the sale of Chalvey Road he does not wish to be included in such matters. He and his sister always mediated between their parents. He had little recollection of Mr Chadda and was unable to assist with the detail of any discussions or what was signed. He knew that Mr Chadda was connected to his father.

29. He recalled that in 2011 his sister called him. She was distraught that their father's child was at their uncle's address. She was asking her brother to go over. His recollection was vague but he was clear that there was a suggestion of a surrogacy arrangement and that the father was asked to take a DNA test. He was also asked about violence in their parents' relationship and stated that he recalled having to pull his father off his mother as "*he's a man and stronger*". There was a lot of shouting and screaming and he together with his sister ran up. Mr Sukhpreet Randhawa's evidence became quite reflective as he explained how he "*lived in a bubble*" when living at the family home. The family tensions, pressures and the involvement of the children in the parental affairs had taken a large toll on him. Since being married and moving out, he has avoided being involved in the family affairs and has been able to protect himself and his young family from the negative influences of his family. His wife has helped him to realise how unhealthy his life was and he is now better placed at making better life choices.

30. Mr Aqbal Lall has been a practicing solicitor since 1987 and was involved in advising the applicant some years ago in relation to a property transaction. He confirmed the contents of his statement to be true. In that statement he states that he has a recollection of the parties and their daughter attending his office and does not recall there being any threatening behaviour or arguments as alleged by Mrs Randhawa and the parties' daughter. He continued his evidence by stating that his recollection of the events in September 2010 are "*vague*". He confirmed that he had some previous professional dealings with Mr Randhawa about twenty years ago and it was likely that he had made

the appointment in September 2010 and not Mrs Randhawa. To his best recollection, his meeting was with Mrs Randhawa alone and he could not comment on what was going on outside of that meeting. He confirmed that Mr Randhawa's solicitor had emailed him about making a statement in the terms that are set out in the emails dated 5 January 2021. However, prior to that email, Mr Randhawa had contacted him to state that he will be hearing from his solicitor about this litigation. He further confirmed that at that time he was involved with property transactions involving Mr Randhawa. Finally he stated that although it would be likely that he would be aware of any screaming and shouting in the waiting area of his office, it is "*possible*" that he may not have been aware of this.

31. Mr Iftakhar Ahmed is the director of Gateway Properties and Estate Limited. His business premises are on Chalvey Road and his involvement concerns a deed of trust that was executed between Mrs Randhawa's late sister and her brother concerning her late sister's home. After confirming the contents of his statement dated 20 November 2020 to be true, Mr Ahmed made it clear that he has no personal connections with the family. Mrs Randhawa's late sister and brother approached him to help arrange a mortgage for the purchase of her home. It was explained to him that her brother would provide the deposit.

32. After discussions, it was agreed that the arrangement be formalised with a deed of trust. Mr Ahmed acknowledged that he is not legally qualified but saw it as quite proper to advise the parties of their options and to seek independent legal advice. The deed was created and both left knowing that they needed time to consider it and to seek independent legal advice. At a subsequent appointment on 3 March 2003, they attended his office together with Mrs Randhawa who was there to witness her sister's signature and Mr Ahmed the signature of her brother. He was clear that this was the arrangement that the family wanted and they fully understood what they were signing. He defended keeping a copy of the deposit cheque for his records. He further confirmed that it was in fact his handwriting on the cheque as he was assisting the parties. Mr Ahmed denied any inappropriate dealings on

his part and recalled that the deed of trust was created after the purchase of the property.

33. Mr Deep Singh was married to the late sister of the applicant. He confirmed the contents of his statement to be true and accurate. In that statement he sets out the relevant chronology of events that include his happy marriage to his late wife. He then raises his profound concern that his late wife and the applicant executed a deed of trust in March 2003 effecting his interest in his matrimonial home. He observed that this was not registered until September 2013, more than two years after his wife had passed away. In his statement he further alleges that the applicant and her brother have conspired against him. Finally, he raised a most concerning allegation that his wife was married to her brother on 17 May 2000 whilst still being married to him. Having produced the marriage certificate, he pointed out that Mrs Randhawa is the witness to the marriage between her brother and sister. This was accepted by Mrs Randhawa when giving her oral testimony.
34. He was clear that his late wife informed him that they had purchased a property. She never mentioned anything about the deposit or the applicant's involvement. He is unaware where the deposit came from. He did not see the trust deed until March 2014. He also saw the marriage certificate about five or six weeks after that. He confirmed that there are no court proceedings relating to these issues and denied threatening Mrs Randhawa and her brother with the same.
35. Mr Hakikat Rai Chadda is a financial planning consultant trading as Continuum Financial Planning. He confirmed the contents of his statement dated 26 June 2020 to be true and accurate. In his statement he explains that he has had business dealings with Mr Randhawa and at the time he was having matrimonial difficulties. He attended at "*their property*" for a prearranged appointment to discuss some business opportunities with the parties' son. Mrs Randhawa raised complaints about her unhappy home circumstances and then asked if Mr Chadda would witness her signature to a transfer document in which the Chalvey Road property was transferred to the respondent. He is sure that Mrs Randhawa knew what she was signing and that the document was properly witnessed.

36. He confirmed that Mr Randhawa had been referred to him and he had no dealings with him prior to 2012. He knew about the marital difficulties as it is a “*small world*” and although this wasn’t the subject of a specific discussion, the information was passed onto him by the person making the referral. He further confirmed that at the time of the signing of the document, Mr Randhawa was not present and he believed that he had left the property. He entered his details as a witness on the transfer document for Mr Randhawa to enter his signature at a later point in time. He left the document for him at the home address. He did not have any lengthy discussions with Mrs Randhawa but she was aware of what she was signing and he witnessed her signature before entering his details on the document. Mr Chadda was heavily challenged about his evidence and his recollection. At first, he expressed little concern about witnessing a signature that was yet to be written by the respondent and later became evasive about this issue.

### Analysis

37. Notwithstanding the limited issues in this case, its unusual features have necessitated a wider than usual enquiry into the relationships and business transactions of this family. I am most grateful to counsel for the sensitive and proportionate approach that they have each adopted. I am also grateful to each of them for their helpful and comprehensive submissions that I have fully considered. The evidence has highlighted some very concerning conduct on behalf of the parties and in so far as they are directly relevant to the issues before me, I will address them further in this judgment.

38. There is no question about Miss Radley’s expertise to provide an expert opinion on the signature that is in question. In my judgment this is an entirely proper stance adopted by the parties. I found Miss Radley’s evidence to be well thought out, fair, balanced and within her area of expertise. She provided reasoned, logical answers to all the questions that were put to her whilst relying on her wealth of experience and expertise in her field. I found her evidence to be entirely reliable as an expert witness. However, her evidence alone is

not determinative of the issues before me and it must be considered in the context of the wider evidential canvas.

39. Albeit in different ways, I found the evidence of the parties' children illuminating. They each spoke of a very difficult relationship between their parents. There can be no doubt that each member of this family was devastated by the loss of the parties' son who was at the time a teenager. I have no doubt that this loss continues to be felt strongly by the parties and will be so in the future. It is clear to me that his passing has presented the parties' relationship with an insurmountable challenge which has made a significant contribution its demise and their conduct towards each other.

40. I have a clear view that Mr Randhawa was very much in charge of the business dealings within the family and very much saw himself in that role. This was clearly borne out by his own evidence, his acceptance of his conduct of the business transactions and, save for Mr Singh, all other witnesses have lent their support to this conclusion. However, this has not been to the complete exclusion of Mrs Randhawa who has at times resisted certain transactions or insisted upon different terms. Indeed the evidence of the family makes it clear that the disputes about business and property transactions have been a major source of discord between the parties. I have no doubt that at times, these disputes involved threats of divorce which carried with them cultural sensitivities. The emotional impact of these disputes and the difficult parental relationship was palpably clear when I listen to the evidence of Mr Sukhpreet Singh Randhawa.

41. The evidence also clearly illustrates that there were many discussions, transactions and dealings that were orchestrated by Mr Randhawa about properties that were in Mrs Randhawa's sole name. Most importantly, I found his evidence about the divorce petition very informative. In common with other parts of his evidence, where he felt that the detail of his evidence served his purposes, he was generous and forthcoming with his answers. Once it was clear that the answers may be damaging to his case, he became highly evasive and his evidence devoid of any detail.

42. His answers about why Mr Bophal had never been mentioned before I found to be disingenuous given that he has been aware of the central issues in this case from its very inception. As attested to by Mr Randhawa, he was very much in charge of the drafting of the divorce petition and the information that was typed on the petition was information that was provided by him. When faced with the obvious inaccuracies of this information, he found himself with no option but to accept that the information was misleading and incorrect. In my judgment, he was fully aware that the information was misleading and incorrect when he instructed Mr Bophal to type it onto the Divorce Petition.
43. It is also clear to me that when corresponding with his solicitor in 2012, the phrase “*a major stumbling block*” clearly referred to Mrs Randhawa. I have little doubt that this is how he considered Mrs Randhawa whose resistance to Mr Randhawa may have been seen as beating one’s “*head against a brick wall*”. Having considered Mr Randhawa’s evidence, I have no doubt that he is a man who would take any necessary steps to achieve his ends and where such steps fall foul of the law or morality, he seeks to deny his conduct unless faced with no other option but to admit the same. In the latter instance, he will seek to divert attention onto others, blame others or become altogether evasive.
44. Mrs Randhawa’s evidence also had many concerning features, parts of which may not be directly relevant to the central issues in this case, but are nevertheless very worrying. It was clear to me that like Mr Randhawa, she was a very hard working individual who lived a relatively modest life. Her language and involvement in the business dealings were much more limited than Mr Randhawa. She is an intelligent woman, who has been able to protect and preserve the fruits of her labour and has demonstrated her ability to stand up to Mr Randhawa where she has felt it necessary to do so.
45. Her distress at the loss of her child and Mr Randhawa’s subsequent conduct including the naming of his youngest son was clear and obvious. She is clearly sad about the fractures in her relationship with her son. In my judgment, with the assistance of her children, when Mrs

Randhawa has been aware of transactions that do not serve her interest, she has been able to take such steps as she could to protect her position. However, as most worryingly illustrated by her involvement in the marriage between her brother and sister, she has at times seriously lacked a legal and moral compass which must be weighed into the balance when considering her evidence. In my assessment of the parties, the evidence illustrates their respective general approach as having little regard for the law.

46. Mr Lall was asked to recount a visit to his offices in 2011 and given the passage of time, unsurprisingly there was little detail that he could provide. Mr Ahmed gave very clear evidence about his involvement with Mrs Randhawa, her brother and late sister. His evidence which I found to be reliable, did not assist with determining the central issues. Mr Singh has every right to be concerned about the conduct of Mrs Randhawa, his late wife and her brother. For entirely understandable reasons, he was very focused on his affairs and his evidence was helpful in so far as it illustrated Mrs Randhawa's attitude to legal matters. I did not find Mr Chadda to be a particularly reliable witness. His evidence was in any event of limited relevance but his practices left a great deal to be desired.

47. Having considered the parties' evidence in the context of the totality of the evidence before me, on the central issues in this case I prefer Mrs Randhawa's evidence to that of Mr Randhawa's. There is no evidence that would suggest that the signature on the acknowledgement of service was 'faked' by her. This is no more than a conjecture by Mr Randhawa who does not profess to have witnessed her doing so. To do so, would be illogical and in my judgment highly improbable. Furthermore, there are several ways in which a divorce process may be disguised or hidden from the family or the community. This includes the instructions of solicitors which is a practice that both parties were familiar with.

48. There is no direct evidence that would support a finding that the said signature was forged by or on behalf of Mr Randhawa. However, I found Mr Randhawa's explanation for his inability to provide a sufficient sample of his handwriting for the consideration of Miss

Radley to lack any credibility. I note that he is a business man of many years standing who has conducted many business transactions involving many friends and professionals in this capacity. Furthermore, Mr Randhawa, as accepted by him, has been shown to have given incorrect information on official documents including the wrong address in Kent on an official document relating to Mrs Randhawa in circumstances where she has never lived at that address. Moreover, it is clear to me that in 2010, Mr Randhawa had a vested interest to be divorced from Mrs Randhawa. He was the only one of the parties who had an involvement in the divorce process in circumstances that I find that Mrs Randhawa did not have notice of the divorce proceedings. Thus leaving Mr Randhawa as the only person with opportunity and motive to ensure that the divorce proceeded without difficulties. After considering all of the evidence before me, I find that Mrs Randhawa's purported signature on the Acknowledgement of Service form dated 11 February 2010 was forged by or on behalf of Mr Randhawa.

### Conclusion

49. After considering all of the evidence before me, I find that;

- a. Mrs Randhawa has had no notice of the divorce proceedings that were initiated by a Petition for divorce by Mr Randhawa dated 22 January 2010.
- b. Mrs Randhawa's purported signature on the Acknowledgement of Service form dated 11 February 2010 is a forgery.
- c. The said signature was forged by or on behalf of Mr Randhawa

Accordingly the decree of divorce granted consequent upon the Petition for Divorce dated 22 January 2010 must be set aside.

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