

IN THE COURT OF APPEAL OF MANITOBA

Coram: Mr. Justice Christopher J. Mainella
Madam Justice Jennifer A. Pfuetzner
Madam Justice Anne M. E. Turner

IN THE MATTER OF: The Estate of Jangir Sidhu, deceased

<i>BETWEEN:</i>	)	
	)	
<i>AMANGEET KAUR DHILLON and</i>	)	<i>I. B. Scarth and</i>
<i>PAVANGEET KAUR SEHGAL</i>	)	<i>B. Gray</i>
	)	<i>for the Appellants</i>
<i>(Applicants) Appellants</i>	)	
	)	
<i>- and -</i>	)	<i>L. K. Troup</i>
	)	<i>for the Respondents</i>
<i>THE ESTATE OF JANGIR SIDHU,</i>	)	
<i>deceased, and ROSIE RAJVIR KAINTH,</i>	)	
<i>also known as ROSIE RAJVIR SIDHU,</i>	)	<i>Appeal heard and</i>
<i>also known as ROSIE SIDHU, in her capacity</i>	)	<i>decision pronounced:</i>
<i>as Executor of THE ESTATE OF</i>	)	<i>September 29, 2026</i>
<i>KOMALJEET SINGH SIDHU, deceased,</i>	)	
<i>also known as ROSIE RAJVIR KAINTH,</i>	)	
<i>also known as ROSIE RAJVIR SIDHU,</i>	)	<i>Written reasons:</i>
<i>also known as ROSIE SIDHU</i>	)	<i>October 6, 2026</i>
	)	
<i>(Respondents) Respondents</i>	)	

On appeal from *Dhillon et al v The Estate of Jangir Sidhu et al*, 2025 MBKB 160

PFUETZNER JA (for the Court):

[1] After hearing argument, we dismissed the appeal with brief reasons to follow. These are those reasons.

[2] At the time of her death, Jangir Sidhu (Jangir) had four adult children—three daughters and a son. Her intention was to leave all her assets to her son, Komaljeet Singh Sidhu (Komal).

[3] During her lifetime, Jangir designated Komal as the beneficiary of a life insurance policy, transferred bank and investment accounts into joint names with him and made a Will on August 13, 2020, naming him as the sole beneficiary. She also signed a transfer of title to her house to herself and Komal as joint tenants on November 24, 2020 (the land transfer).

[4] Jangir died from brain cancer on November 29, 2020, at the age of seventy-five. As planned, Komal received Jangir's assets—primarily through survivorship. Jangir's Will was not admitted to probate.

[5] Komal died on February 25, 2024, at the age of thirty-seven. About a month prior to his death, Komal made a holograph Will naming one of his sisters, Rosie Rajvir Sidhu, as his executor and sole beneficiary.

[6] After his death, Komal's other two sisters, the applicants, brought applications challenging the validity of Jangir's Will, the land transfer and Komal's Will. The judge dismissed both applications, giving lengthy reasons for doing so where he made detailed findings of fact.

[7] On appeal, the applicants maintained the position that they took before the judge that, because of the effects of her illness, Jangir lacked the capacity to make her Will or to understand the effect of the land transfer. As for Komal's Will, they asserted that he lacked the capacity to make his Will due to mental health issues and alcohol abuse. They did not allege that any of these documents were procured through the exercise of undue influence.

[8] This was a fact-driven case; the standard of review on determinations of mental capacity are highly deferential (see *Henderson Estate (Re)*, 2024 MBCA 95 at para 25). Despite counsel's able argument, we are not persuaded that the judge made any palpable and overriding errors of fact or of mixed fact and law. In particular, we would not interfere with the judge's findings that no suspicious circumstances existed with respect to Jangir's Will and that Jangir understood the legal consequences of the land transfer. In addition, we are of the view that there is no merit to the contention that Komal lacked testamentary capacity.

[9] While the judge ultimately decided the applications on their merits, he was also prepared to dismiss them on the basis that the equitable doctrine of laches applied. Without agreeing or disagreeing with the judge's analysis, in our view, this issue is best left for another day.

[10] In the result, the appeal was dismissed with one set of costs.

Pfuetzner JA

Mainella JA

Turner JA