

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.1563 of 2014 (O&M)
Date of Decision: 20.01.2015

Bhupinder Singh and another

...Petitioners

Versus

Rachhpal Kaur

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Harsh Garg, Advocate
for the petitioners.

Mr. Animesh Sharma, Advocate
for the respondent.

R.P. Nagrath, J. (Oral)

Challenge in the instant petition is to the order dated 11.02.2014 (Annexure P-1) passed by the trial Court whereby prayer for producing certain witnesses in additional evidence has been declined.

The whole case of the petitioner depends on the Will dated 14.01.1991 allegedly executed by Pritam Singh. The Will is stated to be a registered document. Learned counsel for the petitioners during arguments confined his contention for summoning and examining Kulwinder Kaur and the registration Clerk out of the four witnesses cited in the application.

According to the learned counsel, Kulwinder Kaur is proposed to be examined to identify the signatures of Gurmail Singh (deceased), one of the attesting witness to the Will. Gurmail Singh is father-in-law of Kulwinder Kaur. Learned counsel for the petitioners submits that Amrik Singh, husband of Kulwinder Kaur, has also died. Learned counsel further submits that petitioners undertake to produce the witnesses at their responsibility given only one opportunity.

I have heard learned counsel for the petitioners at considerable length and find sufficient merits in the instant revision.

In view of above, the instant petition is partly allowed by setting aside the impugned order passed by the trial Court subject to payment of ₹ 10,000/- as costs, which shall be paid by way of demand draft in the name of respondent on the date already fixed in the trial Court. Thereafter, the trial Court shall grant only one opportunity to the petitioners to examine the additional witnesses Kulwinder Kaur and registration Clerk of the office of Sub-Registrar with the summoned records at responsibility. However, the petitioners would be given assistance of dasti summons for effecting

service on these witnesses.

Failing to comply with any of the above conditions, the instant petition would be deemed to be dismissed.

20.01.2015
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(R.P. Nagrath)
Judge