

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 2554 of 2015
Date of Decision: 10.4.2015.**

Mohinder Singh Sandhu

.....Petitioner

Versus

Jaspal Singh Tiwana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.S.Gill, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 30.3.2015 (Annexure P-5) whereby application moved by the petitioner under Order 18 Rule 17 of the Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

Learned counsel for the petitioner has submitted that petitioner had examined Clerk from the Office of Sub Registrar, Chandigarh to disprove the Will dated 20.8.1996. Now the defendants had moved an application to summon the Clerk from the Office of Sub Registrar, Chandigarh to prove the Will in question. Since the Clerk from the office of Sub Registrar, Chandigarh had already been examined qua the Will in question, the defendants could not be permitted to summon the Clerk from the office of Sub Registrar, Chandigarh with a view to prove the Will as the Clerk, who had appeared earlier, had been duly

cross-examined by the defendants.

In the present case, petitioner has filed suit for declaration challenging the sale of the house in question in favour of respondents No. 1, 3 and 4. Petitioner has examined Clerk from the Office of Sub Registrar, Chandigarh to disprove the Will dated 20.8.1996 executed by Ujagar Singh in favour of Gian Kaur. Although, the defendants had cross-examined the said witness, but in order to prove their own documents, defendants cannot be denied the opportunity to examine the witness from the office of Sub-Registrar, Chandigarh. In these circumstances, the learned Trial Court had rightly dismissed the application moved by the petitioner under Order 18 Rule 17 CPC.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

April 10, 2015
Gurpreet