

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 2872 of 2014 (O&M)
Date of decision: May 19, 2015

Mona @ Monika Jaitka

...Petitioner

Versus

Om Parkash Vinayak and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

- 1. Whether Reporters of 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. Naresh Kaushal, Advocate,
for the petitioner.

Mr. SS Sodhi, Advocate,
for respondents No. 1,3, 6 and 7 to 10.

K. KANNAN, J. (Oral)

1. The plaintiff ought not to be prejudiced by the order that has been passed by a reasoning that her own brother is already a contesting defendant in a suit having propounded a will said to have been executed by propositus under whom all the parties claim. If the will is not true in the manner that the plaintiff contends, the petitioner as a heir-at-law will have a share. If the will, on the other hand, is true, the petitioner will stand disinherited in the same way as the plaintiff will be. The petitioner need not re-open any proceedings and may join the trial from the time when she has moved the application for setting aside ex-parte order. By the fact that the petitioner has not filed the written statement, she will not be barred from cross examining her own brother with reference to the will propounded by

him. The cross-examination of co-defendant will begin first before the plaintiff cross-examines the 1st defendant. If the 1st defendant has already been cross-examined, the case will be re-opened for the purpose of permitting the petitioner to cross-examine further. The plaintiff will have a right of further cross-examination if she so desires. The court will mind the issue that the case has been pending for over past 9 years and set a time limit before when the trial is concluded for carrying out the direction given above.

2. With the above clarification, the revision petition is disposed of.

May 19, 2015
prem

(K.KANNAN)
JUDGE