

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

**Civil Revision No.308 of 2013 (O&M)
Date of Decision: September 08, 2015**

Yashpal Singh

.... Petitioner

vs.

Ashok Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sunil Agnihotri, Advocate for the petitioner.

Ms. Satpreet Garewal, Advocate
for respondent Nos.1 and 2.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 31.05.2012 passed by learned Civil Judge (Jr. Divn.), Dasuya, vide which the application of the plaintiff-petitioner for permission to lead secondary evidence to prove the contents of registered Will dated 27.02.1987, was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the case file.

In the application for secondary evidence, it is stated by the plaintiff-petitioner that original Will has been misplaced and could not be traced out. The lower court has taken the view that the plaintiff-petitioner has failed to prove the loss of the Will.

Undoubtedly, the Will in question is a registered Will and certified copy of the same was attached with the application. Therefore, the existence of the Will is there.

Second original Will is kept in the office of Sub Registrar and there is no fear of forgery and manipulation of the Will in question. So far as the loss of original Will is concerned, the same is alleged to have been misplaced. The plaintiff-petitioner can produce the same, particularly, when the second original Will is available.

In these circumstances and keeping in view the nature of the document, the impugned order is not sustainable in the eyes of law. The same is, accordingly, set aside. The lower court is directed to summon the record from the office of Sub Registrar, containing the second original Will to prove the certified copy thereof.

As such, the present revision petition is allowed.

September 08, 2015
sarita

(KULDIP SINGH)
JUDGE