

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.3257 of 2015 (O&M)

Date of decision: 14.12.2015

Gurdev Singh

.....Petitioner

versus

Gurmel Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.J.S.Dadwal, Advocate for the petitioner
Mr.Sandeep Sharma, Advocate for respondent Nos.1 to 6

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 is the order dated 2.5.2015, passed by the learned Civil Judge, Senior Division, Nihal Singh Wala, vide which, while allowing the following additional issue, the Court declined to give any opportunity to the plaintiff to lead evidence in support of the same:-

*"1-A) Whether Kirpal Singh executed registered Will dated 5.6.1990 in sound disposing mind and with free consent?
OPP"*

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

It comes out that in the suit Will is involved. The learned counsel for the respondents has pointed out that a general issue was

framed as to whether the plaintiff is entitled to declaration as prayed for. He has already examined attesting witness of the Will and now he cannot be allowed further opportunity. It is also contended that the plaintiff did not examine himself for two years and now he wants to fill up the lacuna.

After going through the impugned order and the pleadings, I am of the view that once a specific issue regarding Will is framed, plaintiff has to be given opportunity to lead evidence, if he so desires.

Learned counsel for the petitioner states that he needs only one opportunity to conclude his evidence.

It being so, the impugned order so far as not allowing any opportunity to the plaintiff to lead evidence is set aside and the plaintiff is allowed one opportunity to lead his remaining entire evidence and conclude the same.

The revision is accordingly allowed.

14.12.2015
gk

(Kuldip Singh)
Judge