

In the High Court of Punjab and Haryana at Chandigarh.

**CR No. 3258 of 2012
Decided on 06.1.2015**

Tarsem Kaur

--Petitioner

Vs.

Manmohan Singh and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Whether Reporters of Local Newspapers may be allowed to see the judgment ?

To be referred to Reporters or not ?

Whether judgment should be reported in the Digest ?

Present: Mr. Vaibhav Narang, Advocate, for the petitioner

Mr.Parveen Kataria, Advocate, for the respondents

Rakesh Kumar Jain,J: (Oral)

The plaintiff is the widow of Satnam Singh, who had filed a suit for permanent injunction against her mother-in-law and sister-in-law, alleging that the property in dispute has devolved upon her by way of a Will dated 28.11.1996 purported to have been executed by her husband, who is alleged to have expired on 06.10.2002. It is not disputed that the plaintiffs had already led their evidence and when the defendants were leading their evidence, the plaintiffs filed an application for leading secondary evidence in order to prove the Will.

Learned counsel for the petitioner has submitted that though factum of existence of the Will has been admitted by the defendants, yet they have denied that the Will was not executed by the deceased Satnam

Singh in his sound disposing mind. It is, thus, submitted that by way of secondary evidence, the plaintiff wanted to prove the Will. The said application of the plaintiff has been dismissed by the Court below, inter-alia on the ground that once the Will has been admitted by the defendants, the question whether the Will has been duly executed by Satnam Singh in his sound disposing mind, is not the ground available to the petitioner to lead evidence under Section 65 of the Indian Evidence Act, 1872. There is no error in the order of the Court below. The petitioner, if so advised, may file an application for additional evidence but insofar as the present revision petition is concerned, it is found to be without any merit and the same is hereby dismissed.

06.1.2015
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(Rakesh Kumar Jain)
Judge