

CR-3724-2015 (O&M)

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

CR-3724-2015 (O&M).

Decided on: May 28, 2015.

Krishna Devi and others

..... Petitioner(s)

Versus

Kanwal Singh and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Abhimanyu Singh, Advocate,
for the petitioners.**

M.M.S. BEDI, J (ORAL).

The trial Court in the exercise of its discretion under Section 151 CPC has permitted the defendants- respondents to lead additional evidence in context to the disputed document i.e., Will dated 7.6.2004 alleged to have been executed by Bhoti Devi. The grounds of revision indicate that the defendants- respondents are claiming their rights on the basis of the Will of Bhoti Devi dated 7.6.2004 whereas the execution and validity of said document is being challenged by the plaintiffs- petitioners in their suit.

Contention of the learned counsel for the petitioners is that the evidence of the plaintiffs having been closed, it was inappropriate for the trial Court to permit the additional evidence.

After hearing the counsel for the petitioners and going through the application for additional evidence under Section 151 CPC, Annexure P4, it appears that the document i.e., Will dated

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7.6.2004 was allegedly witnessed by Amarjit Singh and Surat Singh Numberdar, as attesting witnesses and had allegedly been scribed by Ram Avtar, Deed Writer. It is settled principle of law that the onus to establish a Will is always on the pronounder of the Will. Since the Will is being relied upon for enforcement of the legal rights by the defendants, vide impugned order an opportunity appears to have been granted to the defendant- respondents to make an attempt to establish the registered Will dated 7.6.2004. The document which is sought to be established is a material document for determination of the rights of the parties. The trial Court appears to have exercised the discretionary jurisdiction which is necessary for the just decision of the case.

No ground is made out for interference in the impugned order.

The petition is dismissed.

May 28, 2015.
rka

(M.M.S. BEDI)
JUDGE