

CR No.407 of 2015 (O&M)

[1]

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

**CR No.407 of 2015 (O&M)
Date of decision:19.01.2015**

Pirithi Singh and others

...Petitioners

Versus

Jaswinder Singh and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Hardeep Singh, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The petitioners have challenged the order dated 05.01.2015, dismissing their application to exhibit the registered Will by way of additional evidence and for re-calling the order dated 02.08.2014 by which his evidence was closed and in the alternative, for re-calling the witness Mukhtiar Singh for his further examination-in-chief.

Counsel for the petitioners has argued that if the concerned Tehsildar is not allowed to be examined, then they would suffer irreparable loss and injury. However, it is not disputed that the trial Court has only complied with the order passed by this Court passed in CR No.5983 of 2014, by which the petitioners were given opportunity to examine the incumbent Tehsildar alone along with the record where the Will was registered and in this way he would not be a witness to the execution of the

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Will but only a formal witness who cannot be subjected to cross-examination. It was also observed that it is neither fair nor proper to permit the petitioners to chase the predecessor Tehsildar and produce him as their witness who may have registered the Will in his office a decade back.

The petitioners, however, sought to summon and examine Subhash Chand, the then Sub Registrar, Patiala in whose time the Will was registered and in the alternative for examining Mukhtiar Singh, the marginal witness of the Will.

The trial Court dismissed the application in view of the order passed by this Court in the aforesaid CR No.5983 of 2014 as the opportunity was granted only to examine the incumbent Tehsildar and not the Tehsildar in whose time the Will was registered.

In view of the above, I do not find any merit in the present revision petition and hence, the same is hereby dismissed.

January 19, 2015
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Rakesh Kumar Jain
Judge