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

CR No.4692 of 2015

Date of decision: July 27, 2015

Dinesh Kumar

.....Petitioner

Versus

Smt. Savitri

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 08.07.2015, whereby, application moved by the respondent for permission to lead secondary evidence qua Will dated 31.12.1986 registered on 29.08.1988, was allowed.

Learned counsel for the petitioner has submitted that the Will in question was not thumb-marked/signed by the executant and the existence of the original Will had not been proved. The application for permission to lead secondary evidence qua the Will in question was liable to be dismissed.

In the present case, petitioner has filed suit for possession and has challenged the Will dated 31.12.1986 registered on 29.08.1988 alleged to have been executed by his mother in favour of the defendant. Thus, the Will, which is now sought to be proved on record by leading secondary

evidence is under challenge in the suit filed by the petitioner. The deed writer Bhagwan Dass has already been examined and he has proved the entry made in his book qua execution of the Will as Exhibit D1 and attested copy of the Will has been proved on record by him as Exhibit D2. The learned trial Court rightly held that since the attested copy of the Will was already on record, the application moved by the respondent for permission to prove the Will by way of secondary evidence, was liable to be allowed. The case of the respondent was that the original Will had not been lost.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 27, 2015

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