

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5757 of 2015
Date of Decision: September 4, 2015

Swaranjit Singh and another

..... Petitioners

Versus

Gurcharan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vishal Aggarwal, Advocate
for the petitioners.

Amit Rawal, J (Oral)

The challenge in the present petition is to the impugned order dated 5.8.2015 whereby the trial court allowed the application of the respondents-defendants to prove the Will in question by way of secondary evidence by holding that that Original Will was lost.

Learned counsel appearing on behalf of the petitioners submits that neither existence of the Will nor its loss through the testimony of revenue official has been proved. Therefore, the impugned order suffers from illegality and perversity.

I have heard learned counsel for the petitioners and appraised the paper book.

On going through the impugned order it reveals that on examination of the statement of witnesses from the revenue authorities, it is borne out that existence of the Will dated 14.8.1999 has been proved but none of the witnesses have stated the same as

not available or lost.

In view of the above, the impugned order is liable to be modified to the extent that the respondents-defendants shall be granted liberty to prove the Will aforementioned by way of secondary evidence after proving its loss.

With the aforementioned observations, the revision petition is disposed of.

(AMIT RAWAL)
JUDGE

September 4, 2015
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