

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

**CR No.6217 of 2015
Date of decision: 14.10.2015**

Vinay Vohra ... Petitioner
Vs.

Sunil Vohra and others ... Respondents

CR No.7969 of 2014

Smt. Kailash and another ... Petitioners
Vs.

Vinay Vohra and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Nand Lal Sammi, Advocate and
Mr. Hitesh Kumar Sammi, Advocate
for the petitioner (in both petitions).

Mr. Mrigank Sharma, Advocate
for respondent -Sunil Vohra, (in both petitions).

AMIT RAWAL J. (Oral)

This order of mine shall dispose of two revision petitions bearing nos.6217 of 2015 and 7969 of 2014.

Civil Revision Petition No.6217 of 2015 has been filed by Vinay Vohra as defendant No.1, in counter claim, as the suit filed by Vinay Vohra, has been dismissed, for want of Court fee.

Civil Revision Petition No.7969 of 2014 has been filed by defendant No.1, Smt. Kailash, who is none else but mother of Vinay Vohra and Sunil Vohra, and widow of Dharampal Vohra and Vinay Vohra in civil suit, titled as “Vinay Vohra vs. Smt. Kailash and others” did not lead evidence vis-a-vis 14.05.2007, was closed, in affirmative, much less, in rebuttal. However, an application has been moved by defendants No.1 and 3 regarding summoning of pension record and taking photograph of signature of Shakuntla Devi for making comparison by expert vis-a-vis Will dated 14.05.2007 allegedly executed by her. The said application has been declined on the premise that there is apparent collusion between Vinay Vohra and Kailash in the civil suit and the application filed by Vinay Vohra for making comparison by expert vis-a-vis Will, in the same terms, as has been done in other case, has been declined.

It is settled law that the party who set up Will has to discharge the burden by proving Will, while leading evidence, in affirmative. In civil suit titled as Vinay Vohra and others vs. Kailash and others, Kailash had set up a Will dated 14.05.2007 and it is only when the case was at the stage of arguments on application at the behest of Kailash to lead evidence. Such evidence was filed. In the other case, same exercise has been done.

I do not find any illegality and perversity in the finding rendered by the trial Court in declining the application moved by Kailash as she was being represented by same counsel in this Court

which irresistibly concluded that there is apparent collusion between mother and Vinay Vohra. In essence, Vinay Vohra could not lead evidence, as has been sought to be led on behalf of Kailash.

Both the orders cannot be said to have been passed without jurisdiction and petitions being devoid of merit, are hereby dismissed.

This order of mine shall not construe an expression of opinion on merits and the Court shall not be influenced while deciding the controversy between the parties while deciding civil suits.

(AMIT RAWAL)
JUDGE

October 14, 2015
savita