

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

**CR No. 6570 of 2015**  
**Date of Decision: October 5, 2015**

**Bibly Monica**

**..... Petitioner**

**Versus**

**Vir Vikram Kumar @ Jason Victor Steele and another**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Avnish Mittal, Advocate  
for the petitioner.

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**Amit Rawal, J (Oral)**

Learned counsel for the petitioner has confined his prayer that the order dated 23.7.2014 in view of the order dated 12.3.2015 be not read against his clients.

He submits that after passing the order dated 23.7.2014 , which reads thus:-

*“DW-1 and DW-2 are present and examined. After examination learned counsel for the plaintiff has stated that as per the evidence of DW-1 he has stated that there are some difference in the pages of the Will and original Will be placed on record. On the other hand learned counsel for the defendant has vehemently argued that if the original Will is to be kept in the court it should be sealed in envelope or certified copy of the same can be placed on record. Heard. In the interest of justice the original will can be kept in the judicial file but at this stage the defendant has flatly refused to tender the original will on the case file and went out the court and as such adverse inference will be drawn*

*against the defendants as they have not obeyed the court orders. Now to come up on 7.8.2014 for remaining evidence of the defendants.*

*Sd/-  
(Pradeep Syngal)  
CJ (JD)/23.7.2014”*

the trial court allowed the application submitted on behalf of the defendants for keeping the original Will Ex.D-1 and affidavit Ex.D-2 in a sealed cover which reads thus:-

“Witness DW-16 namely Urmil Sharma present for cross examination and her further cross deferred. Witness DW-17 namely Bhag Chand present and examined. Witness DW-18 namely Baldev Krishan present and examined. Witness DW-19 namely Bibli Monica present and tender affidavit and her cross deferred. Counsel for defendant no.1 filed an application for keeping the Will Ex.D-1 and an affidavit Ex.D-2 in sealed cover. Application allowed. Case adjourned for 24.3.2015 for further cross of DW-16 and cross of DW-19. Remaining Dws also be summoned for date fixed.”

I have seen both the orders and am of the view that once the trial court vide order dated 12.3.2015 has allowed the application of the petitioner-defendant No.1 to keep the original Will Ex. D-1 and affidavit Ex.D-2 in a sealed cover, the prayer of the counsel for the petitioner that the same shall not be read against them at the final stage, has little force.

The civil revision is disposed of with an observation that once the application Annexure P-8 has been allowed by the trial court vide order dated 12.3.2015, the order dated 23.7.2014 has lost its texture and colour. The trial court shall decide the matter on

the basis of subsequent event and un-influenced with the order dated 23.7.2014.

**(AMIT RAWAL)**  
**JUDGE**

**October 5, 2015**  
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