

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

C.R. No. 7513 of 2015

Date of decision:- 06.11.2015

Hanuman Parshad

...Petitioner

Versus

Satyanarain & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Jai Vir Yadav, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

Petitioner has filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 09.10.2015 passed by the learned Civil Judge (Jr. Divn.), Narnaul whereby the application of the petitioner for leading additional evidence has been dismissed.

The dispute in the present case is between real brothers and the present petitioner is beneficiary of the will dated 15.03.2007 executed by Kishori Lal Chanderbhan in favour of the petitioner and his sons. After concluding the evidence of the plaintiff, the case was fixed for 26.03.2015 for recording the evidence of the petitioner/defendant and thereafter, the petitioner examined two witnesses and an application dated 05.10.2015 was filed for leading additional evidence as attesting witnesses and scribe of the will in question dated 15.03.2007 could not be examined. The learned trial Court had dismissed the application of the petitioner on the ground that the

petitioner is trying to delay the proceedings and the evidence sought to be produced was in his knowledge. The suit in the present case was filed on 8.08.2011 and the onus to prove the will was on the petitioner, thus attesting witnesses and scribe of the will were necessary to be cross examined for proper adjudication of the case.

In view of the above, order dated 09.10.2015 passed by the learned Civil Judge (Jr. Divn.), Narnaul is hereby set aside and the instant revision petition is **allowed** and the trial Court is directed to give one effective opportunity to the petitioner to examine three witnesses i.e. two attesting witnesses and one scribe of the will, subject to payment of Rs.20000/- as cost to be paid to the plaintiff/respondent No. 1.

November 06, 2015
G Arora

(**RITU BAHRI**)
JUDGE