

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.284 of 2016  
Date of Decision.18.01.2016

Narain Singh

.....Petitioner

Vs.

Sat Pal Singh since deceased through LR's and others .....Respondents

Present: Mr. Ram Kumar Saini, Advocate  
for the petitioner.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

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

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**K. KANNAN J. (ORAL)**

1. The plaintiff who has filed suit for declaration of title of property by virtue of purchase from one Chameli Devi in the year 1973 is confronted with a defence by the defendant contending that Chameli Devi has executed a Will in the year 1975. The plaintiff has, therefore, sought for declaration that the Will said to have been executed by Chameli Devi in the year 1975 is null and void and illegal and liable to be set aside. There is no need for such a prayer in a situation where the plaintiff will succeed on the truth of the purchase from Chameli Devi and need not to take notice of any Will said to have been executed by Chameli Devi subsequent to the execution of the sale deed. Even if the Will is true, the plaintiff cannot be affected, for the Will can take effect only with reference to the property which Chameli Devi had died possessed of. If she had already sold the property in the year 1973, she secured to herself no interest to make bequest in respect thereof to the

defendant. The defendant's plea on the basis of Will will not come in the way of the plaintiff to establish his own title and the manner in which the amendment is made would unnecessarily complicate the case for declaration. The amendment is quite unnecessary.

2. I will not find any reason for making intervention with the order denying the amendment. The revision petition is dismissed.

(K. KANNAN)  
JUDGE

January 18, 2016  
Pankaj\*