

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.3922 of 2016 (O&M)
Date of decision:02.06.2016

Soma Singh and others

... Petitioners

Vs.

Mandeep Kaur and others

... 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. S.S.Walia, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioners after realizing the fact that an application seeking leave of the trial Court for proving the Will dated 13.07.1996 by way of secondary evidence, was pre-mature as mutation bearing No.2773 of the property concerned was effected on the basis of the original Will in the presence of the respondent-plaintiffs, he submits that perhaps his clients were ill advised, thus, at this stage, seeks withdrawal of the present revision petition with liberty to move an application provided that finding rendered in the impugned order may not be treated as impediment.

I have heard learned counsel for the petitioners and appraised the paper book and of the view that petitioner-defendants ought to have

taken steps to show the existing proof of the Will in order to enable the Court to form an opinion by leading secondary evidence as has been projected with regard to existence of the Will during the proceedings, therefore, prayer made by Mr. Walia, is genuine and fair. Accordingly, application under Section 65 of the Indian Evidence Act, is permitted to be withdrawn with liberty to file fresh one, in case, certain corroborative and other evidence has been led to show the existence of the Will and the trial Court shall decide the application uninfluenced with the findings rendered in the impugned order.

In view of the aforementioned, revision petition is ordered to be dismissed as withdrawn with the liberty as prayed for.

(AMIT RAWAL)
JUDGE

June 02, 2016
savita