

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

**Civil Revision No.4271 of 2016 (O&M)
Date of Decision: July 12, 2016.**

Jagir Kaur

.....PETITIONER

VERSUS

Rajwant Kaur and others

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

Heard.

Learned counsel for the petitioner submits that the court below has allowed the defendants to prove Will dated 2.3.2005 alleged to have been executed by Gurnam Singh despite the fact that Will of Gurnam Singh, was not pleaded by defendants.

Perusal of the plaint shows that petitioner-plaintiff has not challenged the mutation of 2005 regarding inheritance of Gurnam Singh, on the basis of Will dated 2nd March 2005. Suit relate to inheritance of Harwinder Singh son of Gurnam Singh. Learned Addl. Civil Judge (Senior Division), Khadur Sahib, has allowed the respondents-defendants to prove the Will of Gurnam Singh by way of secondary evidence, subject to proof of loss of the original in order to give an opportunity to

defendants to prove on record that Harwinder Singh and Harjit Singh inherited the estate of Gurnam Singh.

On perusal of the impugned order and the plea of defendants that the original Will was with the plaintiffs, the lower court has committed no error of law, while allowing the application for secondary evidence.

Learned counsel for the petitioner has also tried to address arguments on merits of the Will and inheritance of Gurnam Singh, which is not the subject matter to be seen at this stage and will be seen by the court below, at the appropriate stage.

Dismissed.

(SURINDER GUPTA)
JUDGE

July 12, 2016.
deepak/jv