

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

CR No.6139 of 2015 (O&M)

Date of decision: 29.11.2016

Mukesh Mishra

...Petitioner

Versus

Madhu Bala and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. B.S. Mittal, Advocate for the petitioner.

Mr. Sushil Bhardwaj, Advocate for respondent No.1.

Mr. Piyush Sharma, Advocate for respondent No.8.

REKHA MITTAL J. (Oral)

The present petition directs challenge against order dated 23.07.2015 (Annexure P4) passed by the Civil Judge (Jr. Division), Sirsa whereby application for permission to produce secondary evidence qua registered Will dated 25.01.2011 was declined.

Counsel for the parties are ad idem that the petition may be disposed of without prejudice to rights of the petitioner to file an appropriate application for permission to produce secondary evidence qua the Will in question after obtaining certified copy thereof from the office of Sub-Registrar concerned and the same may be decided by the trial Court without being influenced by any observations made in the impugned order.

In view of the above, the petition stands disposed of, the petitioner is left at liberty to file a fresh application for producing secondary evidence qua the Will dated 25.01.2011 by producing its certified copy obtained from the office of Sub-Registrar concerned. In case such an application is filed by the petitioner, the same shall be decided by the trial Court within a period of 03 months from the date of its filing, in accordance with law but without being influenced by the impugned order.

**(REKHA MITTAL)
JUDGE**

29.11.2016

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