

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

CR No.7049 of 2016(O&M)

Date of decision:21.10.2016

Pritpal Kaur

....Petitioner

VERSUS

Harinder Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 15.09.2016 (Annexure P-5) passed by the Additional Civil Judge (Senior Division), Kapurthala whereby application filed by the petitioner/plaintiff for comparison of signatures on the alleged Will dated 22.08.1980 from a Handwriting expert has been dismissed.

A bare reading of the impugned order would make it evident that in the concluding lines of para 4 of the order, the trial Court has observed that the Will is not in issue before the Court as it is a simplicitor suit for injunction wherein relief sought is restraining the defendant from alienating the suit property or creating any charge on it. Further held that the Will in question will not in any manner help in deciding this issue.

Counsel for the petitioner has not disputed the factual findings recorded by the trial Court. On a pointed query raised by the Court, counsel for the petitioner is not in a position to advance any meaningful arguments as to how examination of an expert with regard to the Will in question would advance cause of justice in the pending suit. That being

so, I do not find any error much less illegality in the impugned order warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

OCTOBER 21, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no