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

Civil Revision No.8492 of 2016

Date of Decision: 16.12.2016

**AMRIK SINGH TH ITS LRS
Vs**

.....Petitioner

BALBIR SINGH AND ORS

...Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vikram Anand, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Original Will dated 15.09.1977 was allowed to be produced by the trial Court as an additional evidence vide order dated 19.05.2016. Thereafter the defendant No.1 was allowed to prove its execution in terms of Section 63-C of the Succession Act and Section 68 of the Indian Evidence Act vide order dated 08.11.2016.

[2]. Both the aforesaid orders are being assailed by the petitioner on the premise that only photostat copy of the Will was available and the same was even exhibited on record. Ingredients in terms of knowledge and due diligence have not been satisfied by the defendants while seeking indulgence of the Court in producing additional evidence and also to examine scribe and attesting witnesses of the Will in question.

[3]. I have considered the submissions made by learned counsel for the petitioner.

[4]. The entire case of the defendants is based on Will in question. It is a settled principle of law that the additional evidence can be allowed, if something remains to be obscure and the Court is satisfied on any other substantial cause.

[5]. The trial Court has recorded its satisfaction that the Will in question is necessary for just and effective adjudication of the case. Procedural technicalities cannot stand in the way of imparting justice between the parties. Once the original Will is allowed to be led by way of additional evidence, its execution has to be proved in terms of Section 63-C of Succession Act and Section 68 of the Indian Evidence Act.

[6]. In my considered opinion, there is no error of jurisdiction committed by the trial Court, nor orders are suffered with any perversity. This revision petition is accordingly dismissed.

December 16, 2016

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No