

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

**C.R. No.8903 of 2015 (O&M)
Date of Decision.06.01.2016**

Baljinder Singh

.....Petitioner

Vs.

Mukhtiar Kaur and another

.....Respondents

Present: Dr. Rau P.S. Girwar, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. There is no scope for interference where the petitioner brings a challenge to the Will and the contention is that it is barred by limitation. It shall be the duty of the propounder to prove the same. If there is a suit which brings a challenge to the Will, it does not mean that the Will was required to be set aside, because Section 68 of the Indian Evidence Act casts an obligation only on the propounder to bring at least any one attester to prove the execution and attestation. There is no presumption in law that the Will is true and if a challenge is brought, it can be done without any fetter of limitation. The argument that the case is barred by limitation is wholly wrong. The plea of limitation was rightly rejected by the Court below finding that the suit was within time.
2. The revision petition is wholly without merit and it is dismissed.

**(K. KANNAN)
JUDGE**

January 06, 2016
Pankaj*