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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RA-CR-134-C-II-2016

in C.R. No. 7797 of 2015

Date of Decision : May 20th, 2016

Sachin Khurana & Ors

.... Applicants

Versus

Satish Kumar Khurana & Ors

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. Pavan Malik, Advocate,
for the Applicant/respondent no.3.

SHEKHER DHAWAN, J.

By filing the present application, the applicant [respondent No. 3 in the main revision petition] seeks review of order dated 29.03.2016 passed by this Court vide which Civil Revision No. 7797 of 2015 filed by the petitioners was allowed and the order dated 30.10.2015 passed by Civil Judge [Senior Division], Nuh allowing application filed by the applicant and others for leading secondary evidence in respect of Will dated 15.1.1984 was set-aside.

2. Learned counsel for the applicant submitted that on 19.7.1991, the Will in question was produced before the Naib Tehsildar, Sales who returned the same with endorsement "original seen and returned". This shows that the application seeking permission to lead secondary evidence was rightly allowed by the Court of first instance vide order dated 30.10.2015 and the revision petition was liable to be dismissed.

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3. Having heard submissions of learned counsel for the applicant and after going through the file, this Court is of the considered view that under the garb of present review, learned counsel for the applicant wants to re-argue the matter by taking the same pleas which were earlier raised by him and dealt with in the order dated 29.03.2016. Such a view was taken by Hon'ble Division Bench of this Court in **Dalbir Singh Lochab and others Vs. State of Haryana and others, 2014(1) RCR (Civil) 115.** The revision petition was allowed after hearing learned counsel for the parties. The present review application lacks merits in view of the categoric findings recorded in the order under review that photocopy of the document can be prepared by manipulation and it would normally be unsafe on the mere asking to allow production of photocopy as secondary evidence. With regard to 'Oral Will'. I do not find any illegality in the order passed which may warrant any interference in the present review application.

Consequently, RA-CR-134-C-II-2016 stand dismissed.

(SHEKHER DHAWAN)
JUDGE

May 20th, 2016
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