

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No. 2710 of 2017 (O&M)
Date of decision: 19.4.2017**

Mohan Singh and another

...Petitioners

Versus

Gurnam Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, at the hands of plaintiffs, filed under Article 227 of the Constitution of India, is directed against the order dated 16.3.2017 (Annexure P-3) passed by the learned trial court, whereby application of the petitioners to lead secondary evidence qua Will dated 26.2.1990 was dismissed.

Heard learned counsel for the petitioners.

It has gone undisputed before this Court that suit filed by the plaintiffs-petitioners is only for permanent injunction. Plaintiffs-petitioners are claiming themselves to be in peaceful and lawful possession and injunction is being sought against the defendants from forcibly dispossessing the plaintiffs-petitioners from the suit property. This seems to be the reason that plaintiffs-petitioners did not insist for framing an appropriate issue regarding Will dated 26.2.1990. Once neither there was any issue regarding the validity of Will dated 26.2.1990, nor it was pressed on behalf of the

plaintiffs-petitioners, application moved by them for proving the Will by way of secondary evidence was wholly misconceived and the same has been rightly dismissed by the learned trial court. Having said that, this Court feels no hesitation to conclude that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned orders, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order has been found duly supported by sound reasons and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

19.4.2017
AK Sharma

(**RAMESHWAR SINGH MALIK**)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No