

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

**CR-6108-2017 (O&M)
Date of Decision:- 13.09.2017**

Balwinder Kaur and another

.....Petitioners

Versus

Surjit Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jaswinder Singh, Advocate,
for the petitioners.

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for setting aside the order dated 14.08.2017, passed by learned Civil Judge (Jr. Division), Kharar, whereby an application, filed by the respondents-defendants, for leading secondary evidence has been allowed.

Perusal of the impugned order shows that after the death of husband of defendant-Surjit Kaur mutation No.3747 has been sanctioned on 27.05.2005 and thereafter she had sold most of the property and further purchased the land in village Bhadla, Teshil Khanna. When Harminder Singh husband of plaintiff died on 20.02.2011, she filed the present suit for joint possession. The above mutation had been sanctioned

by passing a detailed order by Tehsildar Sh. Baljinder Singh, however, the entire record of the mutation was not traceable and further on checking, the defendants had found that pages as well as the mutation number in the original mutation has been changed by making cuttings in the mutation numbers. Defendant-Surjit Kaur had retained a photocopy of the original Will and the original Will was no traceable.

After hearing the learned counsel for the petitioners, going through the record, this Court is of the considered view that the learned trial Court has rightly passed the impugned order as the question of loss of Will has to be considered at the final stage of the trial. Such order, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of revisional jurisdiction of this Court under Article 227 of the Constitution of India, unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioners, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant revision petition is hereby dismissed as such.

September 13, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No