

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

CR No. 7331 of 2017

Date of Decision: 26.10.2017

JASVIR KAUR AND ANR.

-PETITIONERS

VS

SANTOKH SINGH AND ANR.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J. (ORAL)

Defendant-petitioners have filed the present revision petition against the order dated 22.09.2017 passed by Civil Judge (Senior Division), Faridkot vide which application for permission to produce and exhibit the original Will No.134 dated 13.11.2006 executed by Dalip Singh in favour of petitioner No.1 was dismissed.

Plaintiff filed suit for possession of 1/3rd share out of 65 square yard in the house. The suit was decreed against the petitioners vide judgment and decree dated 16.09.2016 against which, an appeal was preferred before the lower Appellate Court.

The lower Appellate Court remanded the case to the trial Court vide judgment dated 28.02.2017 with a direction to

provide two opportunities each to the parties. The evidence of the petitioners was closed by order of the Court on 22.05.2017 and thereafter, an application for modification of the order was also dismissed by the trial Court on 28.08.2017.

The petitioners having lost the case before the trial Court were successful in getting the case remanded with definite opportunities before the trial Court. Opportunities were given to the petitioners but they could not avail the same despite the fact that Jasvir Kaur was examined as DW3 but the Will in question could not be exhibited even in her testimony.

Indulgence granted by the lower Appellate Court and even thereafter by the trial Court in the context of allowing the petitioners to lead evidence cannot be faulted with.

There is no substance in this revision petition and the same is, accordingly, dismissed.

26.10.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No