

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 8102 of 2017

Date of decision:- 20.11.2017

Smt. Ram Dai and ors.

...Petitioners

Versus

Subhash and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vaibhav Jain, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

This petition under Article 227 of the Constitution of India is for setting aside order 06.10.2017 passed by learned Civil Judge (Sr. Divn), Gurugram vide which the application filed by respondent No. 1 has been allowed, subject to payment of cost of Rs.5000/- to the present petitioners.

A bare perusal of the impugned order shows that the rebuttal evidence of the plaintiff was closed on 21.11.2016 and the application was moved by the plaintiff to prove that no record of alleged registered will bearing No. 48 dated 27.06.1965 exists with HRD in the office of the Registrar, Gurugram and even recital of enclosure of alleged will dated 27.06.1965 along with various other affidavits are false as neither the alleged will nor any of the alleged affidavits were enclosed with Parat Sarkar of mutation No. 762.

The issues were framed on 23.05.2014 and the onus was on the defendants/appellants to lead evidence on issue Nos. 4 to 9 as the defendants were the beneficiaries of the will in dispute. The Court below rightly allowed the application of the plaintiff after relying upon judgment

of Hon'ble the Supreme Court of India in a case of *K.K. Velusamy v. N. Palanisamy, 2011(11) SCC 275.*

No ground is made out to interfere in the impugned order, as it does not suffer from any infirmity or illegality.

The petition is dismissed.

November 20, 2017
G Arora

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>