

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

CR No.8420 of 2017 (O&M)

Date of Decision:21.12.2017

Murti Shree Shivji Maharaj

.....Petitioner

Vs.

Satya Pal Singh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE B.S. WALIA

Present:- Mr. Rajesh Pal, Advocate for the petitioner.
Mr. Arvinder Arora, Advocate for respondent No.1.

B.S. Walia, J.(Oral)

[1] Challenge in the revision petition is to, order dated 28.09.2017, i.e. Annexure P.3 whereby the evidence of the petitioner was closed vide order of the Court, as also order dated 14.11.2017, i.e. Annexure P.6 whereby the learned Additional Civil Judge (Senior Division) Naraingarh dismissed the application under Order 18 Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'the Code') for recalling of order dated 28.09.2017 i.e. Annexure P.3.

[2] Brief facts of the case leading to the filing of the instant revision petition are that notarised copy of the Will had been produced in the Court and same was taken on record as Mark 'A'. However, original copy of the Will was not available with the petitioner as it was with the witness-Gulab Singh who offered to produce the same subsequently. Later on, Gulab Singh handed the original Will to the petitioner whereupon the plaintiff-petitioner moved an application to recall witness Gulab Singh to prove due execution of the original Will.

[3] Learned trial Court dismissed the application under Order 18