

107

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

**Civil Revision No.8439 of 2017
Date of Decision: 02.12.2017**

OM PARKASH DECEASED THROUGH L.R.

.....Petitioner

Vs

NEHA MAKKAR AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.P. Chahar, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 25.09.2017 passed by the Civil Judge (Jr. Divn.) Panipat vide which the application for producing additional evidence was dismissed.

[2]. Brief facts are that a civil suit for declaration was filed by Om Parkash son of Ganga Devi. Said Ganga Devi was the original allottee of plot No.365, Sector 13-17, HUDA, Panipat. In the suit challenge was made to the sale deed dated 23.12.2011 executed by defendant No.2 (General Power of attorney of Ganga Devi) in favour of defendant No.1/respondent No.1. Plaintiff alleged that Ganga Devi died on 03.02.2000 and the sale deed was executed by the attorney on 23.12.2011. During pendency of the suit, plaintiff Om Parkash died on 22.07.2016. He was unmarried. On the basis of Will dated 28.04.2016,

Satyawrat Sharma beneficiary of the Will was brought on record as legal representative of the plaintiff. The Will in question could not be proved and that is how the application for additional evidence came to be filed.

[3]. In the written statement, the defendants claimed that Om Parkash was a lunatic person and was not capable of executing Will. Moreover, the challenge in the suit is to the sale deed and the Will in question will be of no relevance as the legal representative of deceased Om Parkash i.e. Satyawrat Sharma has already been brought on record.

[4]. Having perused the material on record, I am also satisfied that the additional evidence in the form of proving execution of Will will be of no relevance as the subject matter of suit is the sale deed dated 23.12.2011. Since the needful has already been done on the basis of Will in question, therefore, no indulgence can be granted in this revision petition.

[5]. In view of above, the impugned order dated 25.09.2017 passed by the Civil Judge (Jr. Divn.) Panipat is upheld and the revision petition is dismissed accordingly.

December 02, 2017

(RAJ MOHAN SINGH)
JUDGE

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No