

**Review Application No.102-CII of 2017 in
Civil Revision No.3962 of 2017 (O&M)**

[1]

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

Sr. No.107

**CM No.14311-CII of 2017 in
Review Application No.102-CII of 2017 in
Civil Revision No.3962 of 2017 (O&M)
Date of Decision: *July 20, 2017***

HET RAM

...PETITIONER

Versus

SUBHASH AND ORS.

...APPLICANTS/RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sanjiv Kumar Aggarwal, Advocate,
for the applicants/respondents.

JASPAL SINGH, J.

**CM No.14311-CII of 2017 in
Review Application No.102-CII of 2017**

In view of the reasons mentioned in application, application is
allowed and delay of 10 days in filing the review application is condoned.

**CM No.14312-CII of 2017 in
Review Application No.102-CII of 2017**

Application is allowed as prayed for.

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Documents (Annexures R-1 to R-5) are taken on record subject to all just exceptions and be tagged at appropriate place.

Review Application No.102-CII of 2017(O&M)

This order shall dispose of review application under Order XXXXVII Rule 1 CPC read with Section 114 and Section 151 CPC for review of order dated May 31, 2017 passed by this Court, whereby Civil Revision No.3962 of 2017 captioned as "*Het Ram vs. Subhash and others*" filed by respondent/petitioner was allowed.

2. The contention of learned counsel for the applicants is that petitioner/plaintiff No.1 (respondent in this review application) filed CR No.3962 of 2017 challenging the order dated May 15, 2017 which came up for hearing before this Court on May 31, 2017 and on May 31, 2017 itself this Court allowed the said civil revision directing the learned trial court to afford ample opportunity to petitioner/plaintiff No.1-Het Ram to examine the official(s) of the office of Sub-Registrar, Sirsa along with record pertaining to the Will dated June 08, 2000. However, liberty to the present applicants/respondents was also granted to approach this Court, in case they felt aggrieved and as such, instant review application has been moved.

3. Learned counsel for the applicants/respondents has submitted that petitioner/plaintiff No.1 in the revision petition has not disclosed before this court that he had already availed 10 opportunities for leading evidence in their favour in spite of provision of granting three opportunities to each party in the suit to lead evidence as per the provisions contained in the Code

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of Civil Procedure, 1908. Since, revisionist/petitioner/plaintiff No.1 had already availed more than sufficient opportunities to adduce and conclude his evidence, he did not deserve the concession of more opportunity to lead evidence to examine the official(s) of the office of Sub-Registrar, Sirsa. Moreover, Will dated June 08, 2000 has been asserted by the present applicants/respondents and due execution thereof shall be proved by the applicants. Revisionist/petitioner/plaintiff No.1 has nothing to do with regard to said Will.

4. This Court has scrutinized the impugned order besides hearing learned counsel for the applicants/respondents, but does not find any substance to review impugned order dated May 31, 2017 especially in view of the fact that petitioner/plaintiff No.1 in the revision petition had challenged Will dated June 08, 2000 to be illegal, null and void, result of fraud, misrepresentation etc. and onus to prove said fact is on the petitioner/plaintiff No.1 and to establish the same, petitioner/plaintiff No.1 intended to examine the official(s) of the office of Sub-Registrar, Sirsa. The opportunity has been afforded to petitioner/plaintiff No.1 with a view to examine the official(s) of the office of Sub-Registrar, Sirsa and there is nothing to interfere in the said order.

5. Finding no merit in the instant review application, same is dismissed.

July 20, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**