

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.2299 of 2018
Date of Decision:06.04.2018

Paramjit Singh

....Petitioner

Versus

Mewa Singh & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Tarun Singla, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, challenge has been laid to order dated 07.02.2018 (Annexure P-5) of the trial Court, whereby application of respondents under Section 65 of the Evidence Act was allowed permitting them to prove Will in their favour by way of additional evidence.

Learned counsel for the petitioner *inter alia* contends that the learned trial Court has erred in allowing the application of the respondents-defendant to prove Will in their favour by way of secondary evidence without considering the fact that the respondents have not brought any proof in support of their submission that the original Will was handed over to the revenue authorities at the time of sanctioning of mutation and the same was never returned by them. The trial Court at least ought to have directed the respondents to produce some proof in support of their assertion before allowing their application.

Having given thoughtful consideration to the submission made by learned counsel for the petitioner, I find that the instant petition is completely devoid of any merit for the reason that the Will in question, which is sought to be

proved by the respondents is a registered document. Therefore, its existence as on date cannot be disputed. The trial Court has specifically observed in the impugned order that the petitioner-plaintiff shall have the opportunity to rebut the same. Therefore, in the considered opinion of this Court, legal rights of the petitioner have fully been protected by the trial Court. The petitioner, while leading his evidence to rebut the Will in question, may also falsify the assertion of the respondents that the original Will was given by them to the revenue authorities at the time of sanctioning of mutation.

In view of the discussion made above, this petition is dismissed.

06.04.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No