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

**CR No. 3644 of 2015(O&M)
Date of Decision: 30.08.2018**

Kuldip Singh and another

.....Petitioners

Vs

Rishpinder Kaur Thind and others

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Munish Gupta, Advocate
for the petitioners.

Mr. Deepak Verma, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(ORAL)

Petitioners have challenged the order dated 03.03.2015 passed by the Civil Judge (Junior Division), Gurugram, vide which the application for amendment of the written statement was declined.

Plaintiff-respondent filed a suit for declaration challenging the Will dated 08.04.1996 and consequent mutation in favour of the defendants. Plaintiff relied upon the Will dated 26.03.2008 executed by Sant Singh @ Santa Singh in probate proceedings. In the Will dated 26.03.2008, both the parties have participated in the proceedings. On the basis of the statement of David Royston Howarth recorded in probate proceedings, an application for amendment in written statement was filed.

According to the learned counsel for the petitioners, the Will

dated 26.03.2018 executed by Sant Singh @ Santa Singh in England was only in relation to the property situated in England and Wales. The suit shall be decided by the Trial Court on the basis of evidence led by the parties in accordance with law at the relevant stage. At this stage, the amendment in the written statement on the basis of the statement made by David Royston Howarth in probate proceedings is not found to be relevant inasmuch as that the defendants-petitioners can seek summoning of the probate proceedings in their evidence in accordance with law. The evidentiary value of the statement made by David Royston Howarth cannot be determined at this stage. Will dated 26.03.2018 is only in respect of property situated in England and Wales.

In my considered opinion, there is no relevancy of the proposed amendment with the suit filed by the plaintiffs-respondents. This revision petition is found to be devoid of merits.

The revision petition is dismissed, accordingly.

30th August, 2018

shabha

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes

Whether reportable Yes/No