

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

Civil-Revision-5095-2018(O&M)
Date of Decision:06.09.2018

Sajjan Singh Bhangoo

.....Petitioner

Vs.

Piara Singh (deceased) through his LRs & others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.H.S.Baidwan, Advocate,
for the petitioner.

Mr.D.S.Nigha, Advocate,
for LRs of respondent no.1.

Mr.Nitish Garg, Advocate,
for respondents no.2 to 6.

AMOL RATTAN SINGH, J. (Oral)

Pursuant to notice having been issued in this petition, learned counsel for the respondents appears and submits that even if the previous conduct of the petitioner, prior to the order of this Court dated March 22, 2018 (passed in CR-7487-2016), is to be ignored, thereafter also, simply for want of payment of Rs.10,000/- the petitioner has still not produced the witness that he claims was an attesting witness to the will in question, despite two dates thereafter also having been given before the trial Court.

He further submits that even this petition now has been filed through an attorney of the petitioner and therefore, the contention that since the petitioner is living abroad and therefore Rs.10,000/- could not be arranged, is only an excuse raised before this Court.

Learned counsel for the petitioner, however, submits that the petitioner is actually 84 years old and not 77 years as shown in the memo of parties, on the basis of the fact that in his passport also, his year of birth is recorded as 1934 and consequently, he is seeking one opportunity to produce an attesting witness.

That being so, upon the petitioner now paying Rs.30,000/- as costs, one single opportunity is granted to him to produce the second attesting witness (as contended), to the will in question, within one month from today, before the trial Court.

Disposed of.

(AMOL RATTAN SINGH)
JUDGE

September 06, 2018.

dharamvir/dinesh

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO