

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

270

CR No.6142 of 2017
Date of Decision:09.02.2018

Harpal Singh and others

...Petitioners

Versus

Rajinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagdish Manchanda, Advocate
for the petitioners.

Mr. Parminder Singh, Advocate
for respondents No.1 to 3.

ANIL KSHETARPAL, J.(Oral)

Plaintiffs-petitioners are in the revision petition against the order passed by the learned trial Court permitting the defendant to lead secondary evidence with respect to photocopy of the Will dated 10.10.1982.

It is not in dispute that the plaintiff filed a suit and challenged the validity of the Will dated 10.10.1982. It is further not in dispute that on the basis of the alleged Will dated 10.10.1982, mutation was sanctioned on 10.01.1983. Learned trial Court has allowed the application for permission to lead secondary evidence.

Learned counsel for the petitioners has vehemently argued that the original Will has not seen the light of the day, therefore, photocopy can be permitted to lead secondary evidence. On the other hand, learned counsel for the respondents has submitted that the original Will was produced in the year 1983 before the revenue authorities and on the basis of the Will, the mutation was sanctioned. He further submits that the plaintiff

of the Will is not in dispute.

This Court has considered the submission of respective parties and with their able assistance gone through the documents filed. It is not in dispute that the plaintiff has challenged the Will dated 10.10.1982 and mutation sanction in the year 1983 on the basis of Will dated 10.10.1982. Hence, the existence of the Will is not of much in dispute. By way of impugned order, only permission to lead secondary evidence has been granted. This Court does not find that the discretion exercise by the Court is erroneous.

Hence, revision petition is dismissed.

09.02.2018
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No