

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 8108-2015(O&M)
Date of decision: 15.05.2018

Hans Raj

.....Petitioner

versus

Naresh Saran

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sanjay Verma, Advocate for the petitioner
Mr.Amit Jain, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision petition is the order dated 6.11.2015 passed by learned Civil Judge (Senior Division), Yamuna Nagar at Jagadhri, vide which, application filed by the defendant to prove the certified copy of the registered Will dated 14.12.1979 registered on 17.12.1979 was dismissed.

Heard.

Lower Court in the impugned order has observed that the existence and loss of the original Will is proved. However, it took the view that photocopy of the Will was produced and the same cannot be allowed in terms of the Section 63 of the Indian Evidence Act, 1872.

I am of the view that Will in this case is a registered document. Defendant could be permitted to prove the certified copy of the same by summoning the original record from the office of Sub-Registrar concerned.

The mere fact that photocopy of the Will is attached with the application is no ground to dismiss the application.

Learned counsel for respondent has relied upon the authority of Apex Court in Smt.J.Yashoda vs. Smt.K. Shobha Rani, AIR 2007 Supreme Court 1721. The said authority is not attracted in the present case as it is a registered Will and certified copy from the office of Sub Registrar is to be proved.

Hence, impugned order is set aside. Application filed by the defendant is allowed and the defendant is permitted to prove the certified copy of the registered Will dated 14.12.1979 registered on 17.12.1979 by proving the certified copy of the Will and summoning the original record from the office of Sub Registrar.

The present revision petition stands allowed accordingly.

15.05.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No