

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

Civil Revision No.4610 of 2019

Date of decision: 25.07.2019

Ramesh Chander

.....Petitioner

Versus

Swaran Kaur and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rajiv Joshi, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge is to the order dated 30.04.2019 passed by the Civil Judge (Junior Division), Phillaur, whereby application filed by plaintiff-respondents for additional evidence to prove the registered Will dated 19.02.1973 and family partition deed dated 19.11.1996, has been allowed.

Learned counsel for the petitioner states that he has no objection with regard to production of Will dated 19.02.1973, however, as far as family partition dated 19.11.1996 is concerned, the plaint as well as evidence of the plaintiff does not refer to this document.

Vide impugned order dated 30.04.2019 (Annexure P-10), it has been observed that the original Will was traced by plaintiff Gurdeep Singh son of Santokh Singh in UK in the month of September, 2018. Thereafter, he came to India on 29.10.2018 and brought the original Will as well as family partition deed dated 19.11.1996, which was also lying along with the said original Will, duly signed by all the parties. Since this family partition deed was never in the knowledge, the original of the same was not with the

plaintiffs. Therefore, they had no occasion to refer this document in their plaint. Since both the documents are with regard to the properties of the parties, the application has been rightly allowed to reduce further litigation between the family members.

In these circumstances, having examined the impugned order, no illegality, much less perversity, has been found therein warranting interference by this Court.

No merits.

Dismissed.

25.07.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No