

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

Civil Revision No.1179 of 2016

Date of Decision: 02.03.2020

Kiran Lata

..... Petitioner

Versus

Deepak and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Gulam Nabi Malik, Advocate,
for the petitioner.

Mr.R.S.Chauhan, Advocate,
for respondent Nos.1, 2 and 4.

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ANIL KSHETARPAL, J. (Oral)

The Plaintiff-petitioner has filed the present revision petition against the order passed by learned Civil Judge (Jr. Divn.), Mukerian, District Hoshiarpur, allowing an application filed by the defendants for permission to prove the Will dated 19.01.2003 by way of secondary evidence. Operative part of the order reads as under:-

“It is settled law with filing of suit documents should be on file, Will i.e. the copy Mutation that cannot counter signed, so plaintiff very much competent to file the suit. Therefore present application moved by the defendant/applicant is allowed and he is allowed to lead secondary evidence of the Will, subject to proof of existence, execution and of loss of original. For leading evidence of defendant, the case stands adjourned to 9.02.15.

In the considered view of this Court, the order passed by learned Civil Judge (Jr. Divn.), Mukerian, District Hoshiarpur, permitting defendants to lead secondary evidence is bereft of reasons.

Keeping in view the aforesaid facts, the order under challenge is set aside on this short ground. Learned Civil Judge is requested to pass fresh order in accordance with law.

2nd March, 2020

P.Seth

(ANIL KSHETARPAL)
JUDGE

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