

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

Sr. No.113

CR-277-2022 (O&M)

Date of decision : 09.02.2022

Tejinder Tanwar

..... Petitioner

VERSUS

Suresh Kumari

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Shakti Mehta, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is the plaintiff. He has filed a suit for declaration of title on the basis of natural succession. During the course of his cross-examination, learned counsel for defendant No.1 put Will dated 08.09.1990 allegedly executed by Deputy Singh (maternal grand-father) to him. Consequently, he filed an application for issuance of directions to defendant No.1 to produce the original thereof. This application has been rejected.

Learned counsel for the petitioner has argued that the reasoning of the trial Court is erroneous. Reason given is that possession of the original has been denied by defendant No.1 and thus, he cannot be forced to produce the original. Instead, the trial Court should have recorded its satisfaction that the original was not in possession of the party.

The argument is mis-conceived. If, a party to a suit is setting up a Will, the same has to be proved by the said party. Non-production of the original by it would result in the Will not being accepted. Thus, the rights and interests of the petitioner are not adversely affected by passing of the impugned order.

For the aforementioned reasons, the revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

09.02.2022
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No