

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7164 of 2018(O&M)
Date of decision: 01.08.2022

Smt. Chandeeep Ahluwalia

..Petitioner

Versus

Brgd. Sarabjit Singh Ahluwalia and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Divanshu Jain, Advocate, for the petitioner.
Mr. Shakti Mehta, Advocate, for respondent no.1.

ANIL KSHETARPAL, J(Oral)

The petitioner in this revision petition is the plaintiff in a suit for mandatory injunction directing the defendant to hand over possession of the first floor of House No.116, Sector 16-A, Chandigarh, who assails the correctness of order dated 18.09.2018, passed by the Civil Judge (Jr. Division), Chandigarh, directing the plaintiffs to produce the original Will dated 01.10.2014, allegedly executed by late Sh. Surinder Pal Singh Ahluwalia.

The plaintiffs are widow and daughter-in-law of late Sh. Surinder Pal Singh Ahluwalia. The defendant is brother of Brgd. Sarbjit Singh Ahluwalia.

Succession to the property of late Sh. Surinder Pal Singh Ahluwalia is not in dispute in the present litigation. The defendant wants to examine the Handwriting and Finger Print Expert in order to compare the signatures of late Sh. Surinder Pal Singh Ahluwalia on the alleged will with some letters written by him. The parties are litigating for quite some time.

It is not in dispute that some pleadings, filed in the Court, bears the signatures of late Sh. Surinder Pal Singh Ahluwalia. Hence, the defendant can compare the signatures of late Sh. Surinder Pal Singh Ahluwalia from the pleadings filed in the Court.

The learned trial court has not properly examined this matter and passed a mechanical order. The production of testamentary disposition should not have been directed unless there was no other document, particularly when the succession to the property of late Sh. Surinder Pal Singh Ahluwalia is not in the dispute in the present litigation.

Consequently, the order under challenge is set aside.

The revision petition is allowed.

All the pending miscellaneous applications, if any, are also disposed of.

August 01, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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