

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

**CR-7691-2016 (O&M)**

Date of decision: 30.09.2022

Sandhura Singh and others

...Petitioners

Versus

Sito Kaur and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Kamaldip Singh Sidhu, Advocate for the petitioners

Mr. Amaninder Singh Sekhon, Advocate for the  
respondents

**ANIL KSHETARPAL, J (Oral)**

Challenging the correctness of the interlocutory orders, passed by the trial court while dismissing the application under Section 65 of the Indian Evidence Act, 1872, this revision petition has been filed. The trial court has held that neither there is any issue with respect to genuineness and correctness of the Will dated 29.07.1982 nor the defendants have made out a case for grant of permission to lead secondary evidence. It has been held that there is no issue with regard to the validity of the Will and the defendants, by moving an application, are trying to lead evidence which is not relevant to the case. The correctness of the aforesaid order has been challenged before this Court.

With the able assistance of the learned counsel representing the parties, this Court has examined the plaint filed by Smt.Sito Kaur and others against Sh.Sandhura Singh and others. Smt.Sito Kaur and others, the plaintiffs are daughters of Sh.Dhana Singh. On the other hand, Sh.Sandhura Singh and others are sons of Sh.Dalip Singh. It is the

case of the plaintiffs that late Sh.Kehar Singh, during his lifetime, suffered a consent decree in favour of his two sons namely Sh.Dalip Singh and Sh.Dhana Singh. Thereafter, Sh.Kehar Singh was left with no property. On the other hand, the defendants intend to produce and prove a Will dated 29.07.1982 allegedly executed by late Sh.Kehar Singh. As already noticed, the aforesaid Will is not in issue before the court.

The parties have already closed their evidence. The suit is pending for the last 10 years.

The question of admissibility of secondary evidence can be examined only if the party proves that such evidence shall be relevant for the decision of the case. In the absence thereof, the trial court has correctly dismissed the application. Hence, no ground to interfere is made out.

Dismissed.

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

30.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)**  
**JUDGE**