

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

CR No.1614 of 2022

Date of Decision: 02.05.2022

Kidar Nath

.....Revisionist-petitioner.

Versus

M/s Mukandi Lal Hem Raj and others

.....Respondents.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Nikhil Batta, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the present revision petition, the petitioner has laid challenge to the order dated 24.01.2022 (Annexure P-7) passed by learned Additional Civil Judge (Senior Division), Nabha (for short 'the trial Court') whereby the application (Annexure P-5) as moved by him for seeking permission to lead additional evidence, has been dismissed.

I have heard learned counsel for the petitioner in the instant revision petition and have also perused the file carefully.

Learned counsel for the petitioner contends that before the mid of the year 2017, the petitioner was not aware of the existence of the Will dated 09.05.1991 executed by Mukandi Lal and therefore, it could not be produced on the record earlier and the same would be relevant and essential for the proper adjudication of the real controversy between the parties but

vide the impugned order, the trial Court has erroneously dismissed the above-said application as moved by the petitioner for producing the said document on the record by way of additional evidence.

However, the afore-raised contentions are devoid of any merit because as per the version of the petitioner himself as set-forth in para No.3 of his application Annexure P-5, the Will in question bears the date 09.05.1991 and he came to know about the same in the year 2017 and then, this document was got registered on 16.10.2017, meaning thereby that the above-said Will had never seen the light of the day for almost 26 years. Throughout in his afore-said application, the petitioner has not come forward with any fair and candid version as to how and under what circumstances, he got to lay his hands upon the same. In such circumstances, the above-discussed explanation, as set-forth by the petitioner for his not producing the said Will in his evidence earlier, does not seem to be plausible at all.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

May 02, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*