

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1772 of 2022

Date of Decision: 09.09.2022

Niranjan Kaur (Since Deceased) through her LR

... Petitioner(s)

Versus

Jaspreet Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rajinder Goyal, Advocate
for the petitioner(s).

Mr. Gurdeep Singh Shergil, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. The correctness of the order passed by the trial Court directing the Forensic Science Laboratory to examine the age of the ink used for writing the Will dated 15.04.2021 along with the signatures of late Smt.Niranjan Kaur has been assailed in this Court.

2. Heard the learned counsel representing the parties, at some length and with their able assistance, perused the paper-book

3. The learned counsel representing the petitioner contends that the correctness of the aforesaid Will is not in question in the said suit. While elaborating, he submits that late Sh. Kuldip Singh Sachdeva was the owner of the property. He had two wives. From first wife, namely late Smt.Kulbir Kaur, Sh.Paramjeet Singh was born. Whereas from the second wife, namely late Smt.Niranjan Kaur, he had no issue.

3. It is also contended that there was a settlement deed between

late Smt.Niranjan Kaur and late Sh.Paramjeet Singh to the extent that both

shall be entitled to 50% share each. Late Sh.Paramjeet Singh, before his death on 09.02.2021, allegedly executed a Will on 09.03.2017 in favour of the plaintiff, namely Sh.Jaspreet Singh Sachdeva. The plaintiff has filed a suit claiming that he is owner of 50% share of the property. Late Smt.Niranjan Kaur was impleaded as defendant No.1. She died on 17.05.2021. Sh.Harjeet Singh, the petitioner (late Smt.Niranjan Kaur's brother) filed an application for bringing him on record as her legal representative on the basis of the Will dated 15.04.2021 executed by late Smt.Niranjan Kaur. The application for bringing him on record was allowed. The trial Court has directed the Forensic Science Laboratory to send the Will dated 15.04.2021 for examination.

4. It is evident that the validity of the aforesaid Will is not a subject matter of adjudication in the present suit.

5. The learned counsel representing the plaintiff contends that the plaintiff intends to amend the plaint and challenge its correctness. At present, as the suit stands, the dispute is with regard to the correctness of the Will dated 09.03.2017. As and when the plaintiff amends the suit, the Court will pass an appropriate order. At this stage, the order passed by the Court on 21.04.2022 is inappropriate.

6. Keeping in view the aforesaid facts, the present revision petition is allowed and the order, under challenge, is set aside.

(Anil Kshetarpal)
Judge

September 09, 2022
"DK"

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