

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R.No.4471 of 2019(O&M)

Date of decision: 16.08.2022

Surinder Kaur

..Petitioner

Versus

Harbans Kaur and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manjit Singh Khaira, Sr. Advocate, with
Ms. Gurleen Dhanoa, Advocate
for the petitioner.

Mr. Satbir Rathore, Advocate
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

The petitioner before this Court is the plaintiff in a suit for grant of decree of declaration that the sale deed dated 12.08.2011, allegedly executed by her mother-in-law is a sham transaction. The sale deed has been executed by the mother (late Smt. Joginder Kaur) in favour of her daughter Smt. Harbans Kaur.

The plaintiff's application to produce certain documents has been allowed, however, she has been declined permission to prove the registered Will executed by late Smt. Joginder Kaur in favour of her grandchildren on the ground that such Will is beyond the pleadings.

As per Order VI Rule 2 CPC, the pleadings are required to be confined to the material facts and that also in a concise and precise form. The evidence is not required to be made a part of the pleadings. In the present case, the dispute is between the family members. The plaintiff, in order to prove her case, wishes to prove a registered Will as well as other documents executed by late Smt. Joginder Kaur in favour of her grand

children. She wishes to produce the following evidence:-

- “(a) *Smt. Brij Bala Jain wife of S.C. Jain, H.No.1020, Sector 42-B, Chandigarh.*
- (b) *Sh. Birbal Dass, Advocate, Estate Office Chandigarh.*
- (c) *S.Baljinder Singh son of S. Lakshman Singh, resident of village Bhagatmajra, P.O. Ranimajra, Tehsil Kharar, District Mohali.*
- (d) *S. Kulwant Singh Dhanoa, resident of House No.1026, Sector 42-B, Chandigarh.*
- (e) *Clerk of office of Electoral Registration Officer for 001-CHD, Parliamentary Constituency with record pertaining to Card No.PBA4866943 pertaining to Joginder Kaur w/o Karnail Singh, r/o H.No.902, Panjab Engineering College, Chandigarh.*
- (f) *Concerned official of Punjab National Bank Bhunga with record pertaining to SB A/c No.751643 Joginder Kaur w/o Karnail Singh, r/o village Abhowal, P.O. Bhunga Distt. Hoshiarpur.”*

Such evidence is going to be relevant for the decision of the case.

In view thereof, the revision petition is allowed. The order dated 06.07.2019 is set aside.

Let the plaintiff lead evidence to prove the registered Will. The defendant shall also get an opportunity to lead counter evidence, if prayed for.

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

August 16, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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