

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 116

Date of Decision: *September 21, 2022*

1.

Civil Revision No.4030 of 2022

Ishar Dass (since deceased) through LR Kamaljit

..... PETITIONER(S)

VERSUS

Prem Parkash & others

..... RESPONDENT(S)

. . .

2.

Civil Revision No.4038 of 2022

Ishar Dass (since deceased) through LR Kamaljit

..... PETITIONER(S)

VERSUS

Gajayanti & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Amit Dhawan, Advocate, for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This judgment shall dispose of afore-mentioned two revision petitions as they involve similar question of law and facts.

For reference to facts, file of *Civil Revision No.4030 of 2022* is taken up.

This revision petition has been filed under Article 227 of the Constitution of India against order dated 10.08.2022 (Annexure P-5)

whereby the trial court dismissed petitioner's application to be impleaded as only legal heir of plaintiff – Ishar Dass.

The trial court has held that the petitioner cannot ordered to be impleaded as the only legal heir of plaintiff - Ishar Dass on the basis of registered Will dated 19.03.2022 since the defendants have alleged the Will to be forged, false and a fabricated document. Merely because the petitioner claims himself to be the only legal heir of plaintiff on the basis of a Will, the right of other legal heirs cannot be defeated on that account. Besides, in this case, the genuineness of the Will itself is in question. Therefore, there is no ground to interfere with the order passed by the trial court.

The revision petitions are dismissed.

Since the main revision petitions stand decided, pending miscellaneous applications, if any, are disposed of as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

September 21, 2022

avin

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No