

274

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

**CR-3822-2022 (O&M)
Date of Decision: 16.02.2023**

Sumitra and others

..... Petitioners/Plaintiffs

Versus

Kaushalya and others

..... Respondents/Defendants

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Ms. Pratula Sethi, Advocate,
for the petitioners/Plaintiffs.

Mr. Mrigank Sharma, Advocate
for the respondents/ Defendants.

H.S. MADAAN, J.

Under challenge in this revision is the order dated 23.08.2022 vide which the trial Court of Civil Judge (Jr. Divn.), Malout had allowed an application for additional evidence filed by the defendants so as to examine Satguru Dev Pappi Ex. MC, Malout, an attesting witness of will dated 20.07.1999 as well as Jagjit Singh, Nambardar resident of village Malout, District Muktsar Sahib an attesting witness of will dated 21.05.2012. The plaintiffs are feeling aggrieved by such order. As such they have filed the instant revision petition, notice of which was given to the respondents, who opted to put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioners has contended that the application for additional evidence was moved at a very belated stage and

furthermore it is meant to fill up lacunae in the case of defendants and, therefore, it should have not been allowed.

Whereas, learned counsel for the respondents /defendants has defended the order.

After considering the rival contents and going through the record, I find that no illegality or infirmity is there in the order therefore, the trial Court was justified in allowing the application. The order is quite detailed and well reasoned and does not call for any interference by this Court.

It has been taken note of that the trial Court has granted only one opportunity to the defendants to lead their evidence that too subject to payment of costs to plaintiffs. Of course on conclusion of additional evidence by the defendants, the plaintiffs are to be also granted an opportunity to lead evidence in rebuttal, if they desire to do so.

With these observations, Civil Revision stands dismissed.

16.02.2023

Satyawar

**(H.S. MADAAN)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No