

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

127

CR-6119-2023

Date of decision: 13.10.2023

Abhishek

....Petitioner

Versus

Karanbir Singh and Anr.

...Respondents

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kanav Bansal, Advocate for the petitioner.

AMARJOT BHATTI, J.

1. The petitioner has filed revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 04.08.2023 (Annexure P-5) passed by learned Civil Judge (Junior Division), Kalka vide which the application filed by the present petitioner was partly allowed.

2. The learned counsel for the petitioner has placed on record copy of application filed by him which was in fact application for additional evidence and it was treated accordingly by the learned trial Court. The same is Annexure P-3. Reply to this application is Annexure P-4 and the copy of impugned order dated 04.08.2023 is Annexure P-5.

The learned counsel for the petitioner argued that the trial Court wrongly dismissed his application for re-examination of Ram Asra-PW6 and he further wanted to examine the Tehsildar/Sub-Registrar, Kalka who had registered the Will involved in this case. It is argued that re-examination of Ram Asra is material for proper adjudication of the case as he is one of the attesting witness whereas the Tehsildar/Sub-Registrar, Kalka is also material as the Will was registered by him

3. I have considered the stand taken by the learned counsel for the

petitioner and have gone through the record carefully. In this case Ram Asra one of the attesting witness was examined as PW6. Once his statement was recorded completely, there should be some justification for his re-examination which the learned counsel for the petitioner has failed to give. Initially when the statement of Ram Asra PW-6 was recorded, he did not support the case of the plaintiff. Now he wants to re-examine him for the reasons best known to him. Therefore, considering this fact, the request of present petitioner was rightly declined. Similarly, the prayer of the present petitioner to examine Tehsildar/Sub-Registrar, Kalka was also declined since the Clerk of office of Sub-Registrar was examined to prove the registration of the Will. The present Will is dated 16.11.2012. There is nothing on record to show if the petitioner is aware of the Tehsildar/Sub-Registrar who was posted at that place at the time of registration of Will. Even otherwise, the registration of the Will is proved on record by examining Clerk of office of Sub-Registrar. Therefore, no purpose is served by calling the then Tehsildar/Sub-Registrar to prove the registration of the Will.

Considering these facts, I do not find any reason to interfere in the impugned order dated 04.08.2023 (Annexure P-5) passed by learned Civil Judge (Junior Division), Kalka and the same is accordingly upheld.

The civil revision preferred by the petitioner is accordingly declined.

Pending application(s), if any, stands disposed of accordingly.

13.10.2023

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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