

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

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2023:PHHC:144249

CR-5738-2022

Date of decision: 14.11.2023

RAJ MOHINDER SINGH

..Petitioner

Versus

HARKARAN SINGH AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Anmol Puri, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. The dispute with regard to the correctness of the issue framed by the trial Court has come up for adjudication. The petitioner herein is defendant No.1 in a suit filed by his brother Sh. Harkaran Singh for grant of decree of declaration. Defendant No.1 in his written statement has asserted that late Sh. Gian Singh, his father bequeathed the property by a Will dated 21.07.2010.

2. From the pleadings of parties, the trial Court framed the following issues:-

- “1. Whether Gian Singh executed a legal and valid Will dated 21.07.2007 in favour of the defendants? OPD*
- 2. If so, whether the suit of the plaintiff is not maintainable? OPD*
- 3. If issue No.1 is decided against the defendants, then whether the plaintiff is entitled for declaration, as prayed for? OP*
- 4. If so, whether the plaintiff is entitled for permanent injunction, as prayed for? OPD*
- 5. Relief.”*

3. The learned counsel representing the petitioner contends that there

is an error in the issue framed as the Will propounded by the petitioner is of

21.07.2010 and not 21.07.2007. The petitioner has produced a translated copy of the Will. It is evident that the Will was drafted and executed on 21.07.2007, whereas, it was registered on 21.07.2010. At this stage, the learned counsel representing the petitioner submits that there is an typographical mistake in the Will.

4. Be that as it may.

5. The petitioner being the propounder of the Will is required to prove the Will, hence, the onus to prove the Will has been put on the petitioner. While leading evidence, he will be entitled to prove that there was some typographical error, if any.

6. With these observations, the revision petition is disposed of.

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

November 14th, 2023

(ANIL KSHETARPAL)
JUDGE

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