

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

**Civil Revision No.7262 of 2023
Date of Decision: 04.12.2023**

Rattan Sahnan

...Revisionist-Petitioner

Versus

Asha Rani & others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Gurcharan Dass, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has laid challenge to order Annexure P-1, passed by learned Additional District Judge, Ludhiana (for short 'the Appellate Court') on 11.04.2023 in *Civil Appeal No.691 of 2014* titled as '*Rattan Sahnan vs Asha Rani & others*', whereby the application, moved by the respondents-defendants (here-in-after to be referred as 'the defendants') with a prayer to allow them to lead evidence to rebut his (plaintiff's) additional evidence, had been allowed and he has also assailed the order Annexure P-2, handed down by the Appellate Court on 05.10.2023, dismissing two applications as preferred by him with the prayer for not examining one Manveer Kaur, who was stated to be the wife of Navdeep Singh (Sub-Registrar), as the witness of the defendants as well as for passing the appropriate order in view of the order (Annexure P-9) passed by this Court on 16.05.2023.

2. I have heard learned counsel for the petitioner-plaintiff in this revision-petition, at the preliminary stage and have also gone through the file carefully.

3. As per the brief factual-matrix emerging from the perusal of the record, the plaintiff filed the above-mentioned appeal to challenge the judgment and decree dated 21.05.2014 passed by the concerned trial Court, qua the dismissal of the Civil Suit instituted by him against the defendants and he also moved an application under Order 41 Rule 27 CPC therein, for seeking permission to lead additional evidence, which was allowed by the Appellate Court vide the order dated 10.11.2022 (Annexure P-6) and he led his additional evidence accordingly. Thereafter, the application moved by the defendants with prayer to permit them to adduce their evidence to rebut the additional evidence of the plaintiff, was allowed but in the meantime, the Sub-Registrar, who had registered the disputed Will and was intended to be examined by them (defendants) as witness, was reported to have died and therefore, his wife Manveer Kaur was sought to be summoned by them as their witness, so as to get his (Sub-Registrar's) signatures identified on the said Will but the plaintiff resisted the same by filing an application, praying therein for not examining the afore-named witness and he moved another application with the prayer to pass the appropriate order in view of the order passed by this Court in CR No.2608 of 2023, filed by him against the order passed by the Appellate Court, allowing the defendants to adduce evidence to rebut the additional evidence as adduced by him and both these applications have been dismissed vide the impugned order Annexure P-2.

4. So far as the impugned order Annexure P-1 is concerned, it is worth-while to mention here that the plaintiff had assailed this order earlier also by way of filing the above-referred CR No.2608 of 2023 in this Court which had been disposed of vide the afore-said order Annexure P-9, while granting him liberty to raise the points taken therein, before the Appellate Court. It is again pertinent to point it out here that while dismissing the application, filed by him (plaintiff) with the prayer to pass an appropriate order in view of order Annexure P-9, the Appellate Court has categorically mentioned in para No.7 of the impugned order Annexure P-2 that the observations, made by this Court in the above-said order, i.e Annexure P-9, must be considered in the context of the evidentiary value attached to the additional evidence but the same would be seen at the time of the final arguments. It being so, there is no occasion for the plaintiff, at this stage, to assail the order Annexure P-1 again in the instant revision-petition.

5. As regards the prayer of the plaintiff for not examining said Manveer Kaur as the witness of the defendants, they (defendants) cannot be deprived of the opportunity of doing so, in the circumstances when her (Manveer Kaur's) husband, who was initially intended to be examined by them as their witness, has unfortunately passed away and she is, therefore, sought to be examined so as to prove her husband's handwriting/signatures on the disputed Will and in para No.6 in the impugned order Annexure P-2, the Appellate Court has specifically observed that the evidentiary value of the testimony of the afore-said witness could be appreciated by it, subject to the arguments of both the parties.

6. As a sequel to the fore-going discussion, it follows that both the impugned orders do not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand stands dismissed.

04.12.2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

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