



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

121

CR-4505-2024

Date of decision : 09.08.2024

Sama Rani and another

..... Petitioners

versus

Shambu Nath and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.

PANKAJ JAIN, J. (Oral)

1. Present revision petition is directed against order dated 17.07.2024 passed by Civil Judge (Jr. Divn.), Gurdaspur whereby application under Order 11 Rule 14 CPC by the plaintiff stands allowed and the petitioners-defendants have been directed to produce original Will dated 20.12.2018, failing which it has been ordered that they shall be barred for producing the same without permission of the Court.

2. The suit filed by the plaintiff relates to estate left by Satya Devi widow of Chajju Ram. Defendants propounded Will dated 20.12.2018 to resist the claim of the plaintiff. During trial, plaintiff filed instant application seeking directions to the defendants to produce the original Will propounded by him.

3. Defendants-petitioners in reply submitted that prior to filing of the civil suit, mutation proceedings with respect to inheritance of deceased Satya Devi were going on. Defendants-petitioners tendered original Will before the revenue authorities, as the mutation was being



contested by the plaintiff before the revenue Court.

4. The said application stands allowed vide impugned order.
5. Learned counsel for the petitioners has drawn attention of this Court to the operating part of the order passed by Civil Judge which reads as under:-

“xx xx xx

As such, considering that production of Will is essential for the just decision of suit, defendants No.1 and 2 are directed to produce original Will dated 20.12.2018 failing which they shall be barred from producing the same without permission of the Court. As such, application in hand stands disposed of with a direction to defendant No.1 and 2 to produce the original impugned Will dated 20.12.2018. Now, to come up on 14.08.2024 for production of Will as directed.”

6. He submits that penal order ought not have been passed in the event of failure of production of document by petitioners pursuant to application filed by the opposite party under Order 11 Rule 14, Code of Civil Procedure. At the most, Court could have taken adverse inference at an appropriate stage. He further submits that in the present case even that would not have been optimal as defendant specifically pleaded that the original Will already stands tendered in the proceedings arising out of contested mutation and the same fact is well within the knowledge of the plaintiff also.
7. After hearing counsel for the petitioners and after perusing the order, this Court is of the considered opinion that the order passed by the trial Court is not punitive. On the specific stand taken by the



defendants-petitioners that the Will stands tendered in evidence before the revenue authorities, preemptive measure has been taken whereby defendants have been asked to seek permission of the Court before tendering original Will in evidence. Consequently, this Court finds that there is no reason to interfere in the impugned order.

8. Obviously, when defendants have taken a stand that the original Will stands tendered before the revenue Court, wherever they will lead evidence to prove the same, they will summon the record from the revenue authorities. The same is possible with the permission of the Court.

9. With the aforesaid clarification, the present revision petition is disposed off.

(PANKAJ JAIN)
JUDGE

09.08.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No