

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

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2024:PHHC:052021

CR-5780-2022 (O&M)
Date of decision: 18.04.2024

SUNITA DEVI AND ANR.

..Petitioners

Versus

SUKHBIR CHAND AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Pinki Mehla, Advocate
for the petitioner (through video conferencing).

Mr. Ajay Kumar Kansal, Advocate
for Mr. Amardeep Hooda, Advocate
for respondent No.1

ANIL KSHETARPAL, J(Oral)

1. In this revision petition, the defendant assails the correctness of the trial Court's interlocutory order refusing to mark the Will as exhibit. As per the High Court Rules and Orders, the documents produced in evidence are required to be marked as exhibit. The document in question is a Will propounded by the defendant. The scribe of the Will was examined, who has stated that he had scribed the Will on the request of the testator. The trial Court has refused to mark the document as exhibit on the ground that the attesting witness shall have the onus to prove the Will. It is evident that the trial Court has failed to distinguish between marking a document as exhibit and proof of the document. The marking of a document as exhibit is not synonymous with the proof of the documents. Once, a document has been produced and a scribe has been examined, it should have been permitted to be exhibited subject to the proof of the document in accordance with law.

2. Keeping in view the aforesaid facts, the revision petition is allowed. The impugned order is set aside. The trial Court is directed to mark the document as exhibit.

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

April 18th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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