

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

CR No.7309 of 2023 (O&M)

Date of Decision: 24.01.2024

Laxmi Bai (since deceased) through her LR

...Petitioner

Versus

Komal Rani and others

...Respondent

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

Present:- Mr. Sanjeev Majra, Advocate
 for the petitioner-LR of the plaintiff.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved by the order (Annexure P-4) passed by learned Civil Judge (Jr. Division), Panipat (for short 'the trial Court') on 02.11.2023 in *Civil Suit No.657 of 2016* titled as '*Laxmi Bai versus Komal Rani etc*', whereby the application, as moved by the petitioner-LR of the plaintiff (here in-after to be referred as 'the petitioner') for seeking the permission to lead additional evidence by producing the Will dated 27.05.2015 on the record, has been dismissed, he (petitioner) has preferred the instant revision-petition to lay challenge to the same.

2. I have heard learned counsel for the petitioner-LR of the plaintiff in the present revision-petition, at the preliminary stage and have also perused the file carefully.

3. Admittedly, the plaintiff had died during the pendency of the afore-referred Civil Suit and the petitioner had moved an application for being impleaded as her legal heir and the same had been allowed by the trial Court vide the order dated 23.08.2022 and a perusal of the above-said order reveals

that the trial Court had specifically observed therein that the afore-mentioned application was based upon the Will dated 27.05.2015 and without going into the legality of this Will, the applicant could be impleaded as the legal heir of deceased Laxmi Bai, i.e the plaintiff, for the purpose of pursuing the Civil Suit further and the allegation of the respondent regarding the forged Will having been procured by the applicant, i.e the present petitioner, was not a matter of controversy in the Suit and it could be challenged separately. These observations clinch the entire issue qua the relevance and necessity of the above-referred Will and make it explicit that the same is neither essential nor material for the proper and just decision of the Civil Suit under reference and rather, by virtue of the afore-discussed order, the petitioner had merely been allowed to step into the shoes of the plaintiff, without adjudicating upon the legality and genuineness of the above-said Will.

4. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

24.01.2024
neetu

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>