



In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3160 of 2022 (O&M)

Date of Decision: 30.04.2025

Sandeep Bahl

... Petitioner(s)

Versus

Raj Bahl and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. R.K.Rana, Advocate
for the petitioner(s).

Mr. A.S.Narang, Ms. Manpreet Kaur,
Ms. Ishita Kaur and Mr. Satbir Singh, Advocates
for respondents No.1 and 2.

Anil Kshetarpal, J.

1. In order to prove the Will allegedly executed by late Smt. Devi Ditta Mal Bahl, the First Appellate Court has permitted the defendant to examine its attesting witness and someone who can identify the signatures of the second attesting witness, namely late Smt.Kusum.
2. The dispute is with regard to the correctness and genuineness of the Will executed by late Sh. Devi Ditta Mal Bahl on 16.07.1979 in which subsequently, Codicil was executed on 09.06.1987. Unfortunately, the propounder (defendant) has failed to prove the Will in accordance with Section 68 of the Indian Evidence Act, 1872. Hence, the First Appellate Court has permitted the defendants to lead secondary evidence.
3. Though, there is a delay in filing the application for additional evidence, however, that cannot be the only reason to deny an opportunity

particularly when the pivotal issue, which requires adjudication in the suit, is with regard to the genuineness and validity of the Will.

4. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

April 30, 2025
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No