



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

223-1

**RSA-1980-2011 (O&M)
Date of decision : 21.05.2025**

Harjit Singh and others

..... Appellants

versus

Mohinder Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vikram Singh, Advocate and
Mr. Abhinav Sood, Advocate
for the appellants.

Mr. Arvind Mittal, Advocate
for respondents No.1, 5 and 8

PANKAJ JAIN, J. (Oral)

1. Plaintiffs are in appeal.
2. Suit was filed seeking decree of declaration to the effect that plaintiffs are owners in possession of the land along with share in the ancestral house left by Karora Singh s/o Gajja Singh. Plaintiffs claimed their exclusive right to the estate of Karora Singh excluding other heirs relying upon Will dated 03.04.1989 and decree dated 11.01.1992 passed by Sub-Judge, Kharar. So far as decree dated 11.01.1992 is concerned, counsel for the appellants does not dispute that the same was set aside vide judgment and decree dated 01.03.1999 Ex.DY and the same has attained finality, as it remained unchallenged. So far as Will is concerned, the Lower Appellate Court non-suited the plaintiffs for having not produced original Will. It has come on record that even though the original Will was produced at the time the copy of the same was tendered during the statement of PW-1 Basawa Singh, one of the attesting



witnesses. However, the propounder of the Will Harjit Singh when appeared in the witness box as PW-2, his cross-examination was referred and was asked to produce the original Will. He opted not to appear thereafter and the original Will was never produced.

3. Counsel for the appellants submits that an application has been filed under Order XLI Rule 27 before this Court for leading additional evidence.

4. The prayer with respect to leading of additional evidence cannot be accepted as it is a case wherein the plaintiff was propounder of the Will and despite having granted opportunity during his cross-examination to produce the original Will, he opted not to produce the same.

5. In view thereof, this Court does not find any reason to interfere in a well reasoned judgment passed by the Lower Appellate Court. Consequently, the appeal is ordered to be dismissed.

6. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

21.05.2025
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No