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

(113)

CR-4473-2025

Date of decision: - 18.07.2025

Upma Ghai

....Petitioner

Versus

Deepali Malhotra

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Harita Panthey, Advocate, for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside/quashing of the impugned order dated 22.04.2025 (Annexure P-11) passed by the Civil Judge (Junior Division), Patiala, whereby the application filed by the respondent/defendant under Section 65 of the Indian Evidence Act for allowing the respondent/defendant to adduce uncertified, unregistered copy of Will as secondary evidence has been allowed.

2. A perusal of the impugned order would show that it has been observed by the trial Court that all the arguments of the plaintiff to the effect that the Will is forged, the whereabouts of Will were not disclosed by the defendants earlier during filing of written statement, application has been filed at the later stage, non-clarity of defendant whether Will in original was given in SDM office by the defendant or her mother are to be seen at later stage. It has also been observed in the impugned order that



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once the the defendant shall tender the document through evidence of witness to prove existence of documents and its contents, the plaintiff shall be granted opportunity to cross-examine the witness.

3. Learned counsel for the petitioner has submitted that the petitioner also has other objections including the fact that no such Will ever existed nor is there any proof of loss and that only one attesting witness has allegedly signed the Will, photocopy of which has been produced, and has submitted that all the said objections and other objections which the petitioner wishes to raise to the said Will be kept open and be decided at the stage of final adjudication of the case.

4. Keeping in view the above-said facts and circumstances as well as observations made in the impugned order and also the limited prayer made by the petitioner, the present revision petition is disposed of by upholding the order dated 22.04.2025 (Annexure P-11) with the clarification that all the objections raised by the petitioner with respect of admissibility, relevance, authenticity, existence and proof of loss etc., if raised, at the time of production of the said document would be considered by the trial Court at the time of final adjudication.

July 18, 2025*naresh.k***(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No