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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-8057-2025****Date of Decision: 06.04.2026****PARAMJEET KAUR AND OTHERS****...Petitioners****Vs.****BALWINDER KAUR AND ANOTHER****...Respondents****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Ms. Riffi Birla, Advocate for the petitioners.
Mr. Ankush Singla and Ms. Milan, Advocates for
Mr. Ravish Bansal, Advocate for respondent No.1.

VIRINDER AGGARWAL, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India, challenging the impugned order dated 06.10.2025 passed by the learned Additional Civil Judge (Senior Division), Fazilka. By the said order, the application filed by the petitioners/defendants for summoning witnesses was partly allowed in respect of witnesses Nos. 1 to 3 but was declined in respect of witnesses Nos. 4 and 5.

2. The petitioners are defendants No. 2 to 4 in a civil suit pending before the Court of the learned Additional Civil Judge (Senior Division), Fazilka. The plaintiff/respondent has filed the suit seeking declaration to the effect that he is a co-owner to the extent of 1/30th share in the Hindu Joint Family property and has also challenged the registered Will bearing Wasika No. 96 dated 09.08.2017, alleging the same to be a result of fraud and coercion, along with a consequential relief of permanent injunction. The petitioners/defendants filed their written statement asserting that the property in question is the self-acquired property of late Dalbir Singh and that he validly executed the Will dated 09.08.2017 in their favour in a sound

disposing state of mind. It is further stated that mutation has already been sanctioned in favour of the petitioners to the extent of 1/2 share each. During the stage of defence evidence, the petitioners moved an application dated 04.10.2025 for summoning material witnesses along with relevant record to prove the due execution of the Will. The learned Trial Court, vide order dated 06.10.2025, partly allowed the application by permitting summoning of certain witnesses but declined the prayer qua official witnesses, holding that their summoning was not necessary. Aggrieved against the said order, the present revision petition has been filed on the ground that the learned Trial Court has wrongly curtailed the petitioners' right to lead complete evidence, as the witnesses sought to be summoned are material for proving the Will in accordance with law, thereby causing prejudice to their defence.

3. I have heard counsel for the parties and have perused the file carefully.

4. The primary grievance of the petitioners is that the learned Trial Court has declined the summoning of certain official witnesses, which, according to them, are necessary for proving the Will in question. Upon consideration of the matter, this Court finds that the learned Trial Court has already permitted the petitioners to summon material witnesses, including the attesting witnesses, for the purpose of proving the due execution of the Will. The refusal to summon additional official witnesses has been based on a well-reasoned finding that the original Will is already in possession of the petitioners and that the essential requirements for proving the Will can be established through the evidence already permitted.

5. It is a settled principle of law that a Will is required to be proved in accordance with Section 68 of the Bharatiya Sakshya Adhiniyam, 2023, primarily by examining at least one attesting witness. The summoning of additional official witnesses, such as officials from the office of the Sub-Registrar, is not mandatory in every case, particularly when the execution and attestation of the Will can be duly proved through primary and admissible evidence. The power to allow or disallow the summoning of witnesses lies within the discretionary jurisdiction of the Trial Court, which is entrusted with regulating the proceedings so as to avoid unnecessary delay and multiplicity of evidence. Unless such discretion is shown to have been exercised arbitrarily, capriciously, or in disregard of settled legal principles, interference by this Court in exercise of its revisional jurisdiction is not warranted.

6. In the present case, the petitioners have failed to demonstrate that the impugned order suffers from any patent illegality, material irregularity, or jurisdictional error, or that the same has caused any failure of justice. Accordingly, no ground is made out for interference in the impugned order.

7. The present revision petition is, therefore, dismissed.

(VIRINDER AGGARWAL)
JUDGE

06.04.2026

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