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

**CR-2955-2022 (O&M)**

**Date of Decision : 30.04.2025**

Avtar Singh (deceased) through LRs & Ors ... Petitioner(s)

Versus

State of Punjab & Ors ... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Sumeet Jain, Advocate for the petitioners.

Mr. Pawan Kumar, DAG Punjab for respondent No.1.

Claim given up qua respondent No.2 and service of  
respondent No.8 dispensed with vide order dated 20.09.2022.

None for respondent Nos.3 to 7 and 9.

**ALKA SARIN, J. (Oral)**

1. Though earlier Mr. Varinder Jamwal, Advocate was representing respondent Nos.3 to 7, however, none has been appearing on their behalf since 14.07.2023. Even today none has put in appearance on their behalf.

2. Learned counsel for the petitioners, at the outset, states that the petitioners would be satisfied if it is clarified that any observations made in the impugned order dated 13.07.2022 would not be treated as an expression of opinion on the merits of the case as the Trial Court while dismissing the application has opined on the validity of the Will.

3. Heard.

4. In the present case the suit is for possession by way of partition

and no declaration has been sought qua the Will. While dismissing the application for leading additional evidence vide the impugned order dated 13.07.2022, the Trial Court could not have opined on the validity of the Will. Even otherwise, while deciding an application, the merits of the case cannot be touched upon. The Trial Court could have either dismissed the application or allowed it, however, could not have opined on the validity of the Will.

5. In view of the above, the present revision petition is disposed off with a direction that any observations made in the impugned order dated 13.07.2022 qua the validity of the Will would not be treated as an expression of opinion on the merits of the case.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

30.04.2025  
Yogesh Sharma

**( ALKA SARIN )  
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO