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

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CR-1483-2025 (O&amp;M)

Date of decision: 11.03.2025

Jashandeep Singh

... Petitioner

Vs.

Jasleen Kaur and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Tarun Sharma, Advocate  
for the petitioner.

**SUVIR SEHGAL J.**

1. Aggrieved of order dated 03.01.2025, whereby permission to lead additional evidence for proving Will, Ex.D-1, by leading secondary evidence, has been denied, petitioner/defendant has approached this Court, by way of instant revision petition filed under Article 227 of the Constitution of India.
2. Counsel for the petitioner asserts that as the original copy of the Will Ex.D-1, which was in the possession of petitioner/defendant No.1 has been lost, she filed an application Annexure P-2, for permission to lead secondary evidence to prove it, but the Trial Court has erred in dismissing the application. He states that the Will is a registered document and an official from the office of the Sub-Registrar, Ismailabad is the only witness, who has to be examined along with the original record, to establish the Will.



3. I have heard counsel for the petitioner and considered his submissions.

4. Respondent/plaintiff filed a suit for declaration to the effect that he is the joint owner of 1/3rd share in the suit property. He also sought a declaration that Will dated 24.12.2013 is illegal, null and void. Upon being served, defendants filed their written statement and took a stand that the Will is legal and valid. On the basis of the pleadings of the parties, trial Court framed the following issues on 16.09.2021:-

*“1. Whether plaintiff is entitled to the relief of declaration to the effect that the plaintiff is joint owner of 1/3rd share in the suit land detailed in para No.1 of the plaint and for declaration that the registered Will No.92, dated 24.12.2013 and the mutation No.444 and subsequent other revenue record in favour of defendant No.1 are illegal, null and void and not binding on the rights of the plaintiff as prayed for? OPP.*

*2. Whether plaintiff is also entitled to the relief of joint possession of the 1/3rd share of the above land to the plaintiff as co-sharer with permanent injunction restraining the defendant No.1 from alienating, selling, transferring, mortgaging, leasing and changing the nature of the suit land forcibly and illegally as prayed for? OPP.*

*3. Whether the plaintiff has no locus standi and cause of action to file the present suit? OPD.*

*4. Whether the suit of the plaintiff is hopelessly time barred? OPD.*

*5. Whether the plaintiff has concealed the true and material facts from the Court? OPD.*



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6. *Whether the suit of the plaintiff is not maintainable? OPD.*

7. *Relief.”*

5. Plaintiff closed his evidence on 07.12.2023 and the evidence of the defendant was closed on 22.08.2024. Since then, the matter has been repeatedly adjourned for leading rebuttal evidence, if any, and for arguments when the application, Annexure P-2, was moved by defendant No.1 on 13.12.2024 for producing additional evidence to prove the Will Ex.D-1. In order to establish the Will, defendant No. 1 has examined the scribe as well as the attesting witness as DW-2 and DW-3, respectively. It is not his case that he did not get ample opportunities to lead evidence. After the deletion of Order 18 Rule 17-A, CPC by virtue of amendment in the Code of Civil Procedure in the year 2002, there is no specific provision for adducing additional evidence. No reason has been given for not summoning an official from the office of Sub-Registrar, when evidence was being lead by the defendants. It is evident that the application has been filed by defendant No.1 to fill in the gap left in the evidence, which cannot be permitted. This Court therefore, does not find any perversity or illegality in the order passed by the trial Court, rejecting the application.

6. Finding no merits in the petition, it is dismissed, though, with no order as to costs.

11.03.2025

(SUVIR SEHGAL)

pooja saini

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No