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

CR-3092-2024 (O&M)

Date of Decision : 29.08.2025

Surinder Kaur ... Petitioner(s)

Versus

Gurvinder Kaur & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. Gursharan Singh, Advocate for respondent Nos.1 and 2.

Service of respondent Nos.3 and 4 dispensed with
vide order dated 23.01.2025.

ALKA SARIN, J. (Oral)

1. Learned counsel for the parties' state that mediation has failed, though the report of the Mediator has not been received. Learned counsel pray that the matter be decided on merits.
2. The present revision petition has been filed by the plaintiff-petitioner challenging the impugned orders dated 30.04.2024 (Annexures P-4 and P-5).
3. Learned counsel for the plaintiff-petitioner would contend that an application was filed by the plaintiff-petitioner for inspection of the file and for taking necessary photographs of the record of Oriental Bank of Commerce now merged with Punjab National Bank, Bagriani, containing the signatures of Harjit Singh. Learned counsel would further contend that vide the order dated 30.04.2024 (Annexure P-4) the said application was dismissed

on the ground that sufficient opportunities had already been availed by the plaintiff-petitioner and the application had been filed only to delay the proceedings. On the same day, vide order dated 30.04.2024 (Annexure P-5), the evidence of the plaintiff-petitioner was also closed. Learned counsel would further contend that since the dispute is qua the Will of Harjit Singh, the evidence would be vital to prove the case of the plaintiff-petitioner. Learned counsel for the plaintiff-petitioner would further contend that given one effective opportunity the plaintiff-petitioner would lead her entire evidence at her own risk and responsibility and that she is also willing to compensate the defendant-respondent Nos.1 and 2 by way of costs.

4. *Per contra* learned counsel for defendant-respondent Nos.1 and 2 would contend that no fault can be found with the impugned orders dated 30.04.2024 (Annexures P-4 and P-5) passed by the Trial Court inasmuch as sufficient opportunities were already granted to the plaintiff-petitioner, however, the present application has been filed after availing numerous opportunities, therefore, the application has rightly been dismissed by the Trial Court.

5. I have heard the learned counsel for the parties.

6. In the present case the prayer is for inspection and taking necessary photographs by summoning the bank record for comparison of the signatures of Harjit Singh by the handwriting expert. Learned counsel for the plaintiff-petitioner has contended that given one effective opportunity the plaintiff-petitioner would lead her evidence. The plaintiff-petitioner no doubt has been remiss in not concluding her evidence despite numerous opportunities, however, keeping in view the nature of the litigation and the fact that it is the Will of Harjit Singh which is under challenge herein by the

mother and two minor daughters of Harjit Singh and the defendant-respondent Nos.1 and 2 in the present case are the wife and the third minor daughter, this Court deems it fit to grant one effective opportunity to the plaintiff-petitioner to lead the evidence of a handwriting expert after summoning the record of the bank, subject to payment of ₹30,000/- as costs to be paid to the defendant-respondent Nos.1 and 2, which shall be a condition precedent.

7. In view of the above, the impugned orders dated 30.04.2024 (Annexures P-4 and P-5) are accordingly set aside. The present revision petition stands allowed. Pending applications, if any, also stand disposed off.

8. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

29.08.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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