



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

CR-2176-2024 (O&M)

Date of Decision : 06.08.2025

Rattan Kaur @ Rattni ... Petitioner(s)

Versus

Paramjit & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajiv Joshi, Advocate for the petitioner.

Mr. Chanakya Batta, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the order dated 20.03.2024 whereby the application under Section 65 of the Indian Evidence Act, 1872 (hereinafter referred to as 'Act') filed by the plaintiff-respondent No.1 for leading secondary evidence has been allowed.

2. Learned counsel for the petitioner would contend that before moving an application under Section 65 of the Act, notice ought to have been given to the Halqa Patwari who was earlier arrayed as defendant No.9 but subsequently deleted from the array of the parties. Learned counsel would further contend that Section 65 of the Act mandates that before an application is filed, notice under Section 66 of the Act ought to be given to the party who is alleged to be in possession of the document. In the present case, no notice was given to the Halqa Patwari who had already been deleted from the array of the parties.

3. *Per contra* the learned counsel for the contesting plaintiff-respondent No.1 would contend that the Will was a registered document and infact a certified copy of the Will is available with the plaintiff-respondent No.1 and the same would in any case be admissible in evidence. He further states that the plaintiff-respondent No.1 would have no objection if the present revision petition is allowed and the impugned order is set aside with liberty to the plaintiff-respondent No.1 to file an appropriate application in accordance with law for proving the Will.

4. In view of the above, the present revision petition is allowed and the impugned order dated 20.03.2024 is set aside. It is, however, made clear that the plaintiff-respondent No.1 would be at liberty to file a fresh application in accordance with law for proving the Will.

5. Pending applications, if any, also stand disposed off.

06.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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