

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 73 of 2026
Date of Decision: 20.04.2026

Sahil Rana & another ...Petitioners.

Versus

Pawna Devi and others ...Respondents.

Coram

Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?¹

For the petitioners: Mr. Naveen K. Bhardwaj, Advocate.

For the respondents: Mr. Surinder K. Saklani, Advocate for respondent No.1.

Romesh Verma, Judge (oral)

The present petition arises out of the order dated 28.11.2025, as passed by the learned Senior Civil Judge, Dharamshala, District Kangra, H.P., whereby the application filed by the present petitioners/applicants under Order 7 Rule 14 (3) read with Section 151 CPC has been ordered to be dismissed.

2. Brief facts of the case are that the petitioners/plaintiffs filed a suit for declaration and injunction on 23.03.2025 before the learned trial Court against the respondents/defendants, challenging the Will dated 21.03.2024. Thereafter, the defendants/respondents filed the written statement. Issues were

¹ Whether reporters of Local Papers may be allowed to see the judgment?

framed, and both the parties were directed to adduce evidence in support of their contention. After the conclusion of the evidence, the case was fixed for final arguments.

3. When the case was fixed for final arguments, an application under Order 7 Rule 14 CPC, read with Section 151 CPC, seeking permission to place on record the revenue papers of the years 1946–47, 1950–51, and 1959–60, Bandobast Jadid for the year 1967–68, the latest Jamabandi for the years 2019–20 and 2020–21 pertaining to the suit property, and the pedigree table of the family for the year 1975 as well as the latest pedigree table was filed.

4. The said application was filed by the petitioners/plaintiffs on 25.11.2025. The application came up for consideration before the learned Trial Court on 28.11.2025, and vide order of the even date, the same was dismissed.

5. Feeling dissatisfied, the petitioners/plaintiffs have approached this Court by filing the instant petition under Article 227 of the Constitution of India, assailing the impugned order dated 28.11.2025.

6. Admittedly, the suit was filed about 11 years ago by the plaintiffs before the learned trial Court. After the framing of issues and the conclusion of evidence and when the case was fixed for final arguments, the instant application was filed by the plaintiffs on 25.11.2025.

7. By means of the application, the petitioners/plaintiffs intend to place on record documents, i.e., revenue papers of the years 1946–47, 1950–51, and 1959–60, Bandobast Jadid for the year 1967–68, the latest Jamabandi for the years 2019–20 and 2020–21 pertaining to the suit property, and the pedigree table of the family for the year 1975 as well as the latest pedigree table.

8. This Court fails to understand that, once the suit for declaration and injunction has been filed by the plaintiffs/petitioners challenging the Will dated 21.03.2024 alleged to have been executed in favour of the defendant, how the said documents would be relevant for the adjudication of the present case.

9. It is a well-settled principle of law that the propounder of a Will has to prove the Will by leading independent evidence and as per law.

10. The contention of the learned counsel for the petitioners that no objection was raised by the respondents to the allowing of the application, and that despite no objection the learned trial Court dismissed the application, is not sustainable.

11. The applicant has to stand on his own legs. It is a basic principle of law that a person who alleges has to prove.

12. Since the plaintiffs/applicants have approached this Court for placing on record the relevant documents, it is for the plaintiffs to establish and prove that such documents are necessary for the effective and proper adjudication of the present case.

13. However, in the present case, particularly in the application, there are no such averments, nor has the petitioner been able to convince this Court that the documents, he intends to place on record, go to the root of the case and would be helpful for the determination of the points in controversy.

14. The learned trial Court has rightly passed the order and has correctly concluded that, if the present application is allowed, it would result in a *de novo* trial and the clock would be set back to the stage when the suit was filed.

15. Consequently, the present petition, being devoid of any merit, deserves to be dismissed.

16. The petition stands disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

(Romesh Verma)
Judge

April 20, 2026
(Nisha)