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

CR No.1909 of 2015

Date of decision: March 18, 2015

Jaggiwan Kumar and another

.....Petitioners

Versus

Rajinder Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashish Gupta, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the order dated 11.02.2015, whereby application moved by the plaintiffs for permission to examine a hand-writing expert in their rebuttal evidence, was allowed.

Learned counsel for the petitioners has submitted that the Will dated 20.11.1997 alleged to have been executed by Om Parkash was a forged and fabricated document. However, the plaintiffs had failed to lead any evidence in their affirmative in this regard and they could not be allowed to examine a hand-writing expert in their rebuttal evidence.

In the present case, plaintiffs have filed suit for declaration that they alongwith defendant No.1 were owners in possession of the property in question on the basis of natural succession after the death of Om Parkash. It was further prayed that the mutation sanctioned in favour of

Savitri Dedvi and sale-deeds executed by her in favour of Defendants No.2 to 4 were illegal. Defendants had placed reliance on Will dated 20.11.1997 alleged to have been executed by Om Parkash in their favour. The learned trial Court while allowing the application rightly held that the Will in question had been propounded by the defendant No.1 and the same was liable to be proved by Defendant No.1 while leading his evidence. During the course of arguments, it has transpired that the defendant No.1 has examined one attesting witness of the Will dated 20.11.1997 to prove the due execution of the Will. Naturally plaintiffs could rebut the genuineness of the Will while leading their rebuttal evidence as the same was to be proved by the defendants.

In these circumstances, the learned trial Court had rightly allowed the application moved by the plaintiffs for permission to enable them to examine a hand-writing expert to get the signatures on the Will compared with the standard signatures of Om Parkash.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

March 18, 2015

m.singh