

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2502 of 2015

Date of Decision.09.04.2015

Rajmohinder Pal Verma

.....Petitioner

Versus

Sham Lal (since deceased) through LR's and others

.....Respondents

Present: Mr. Sanjay Jain, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. After the plaintiff's side was closed, the defendant in a bid to prove Will propounded by him has sought to examine deed writer with the relevant document which he claims would prove the execution of the Will. The plaintiff has at that time moved the application for taking photographs of the entries alleged to contain the signatures of the deceased in the Will and the register whose estate is a subject of dispute. The Court has observed that the plaintiff cannot be permitted to give such evidence either in rebuttal or in affirmative evidence. The observation made by the Judge is wrong, for, the plaintiff will have a right of rebuttal on the validity of the Will, the burden of which is only on the defendant. The petitioner at that time will be competent to show that the Will was not genuine and he would be entitled to consider whether the expert's evidence is necessary or not. I will make an interference at this stage but on his own turn before the plaintiff begins

his case if the plaintiff would still think that the evidence given by the defendants as regards the Will would require to be refuted with reference to handwriting expert's opinion, the Court may consider the request at that time without being in any way fettering the plaintiff's right to move such an application at the appropriate time.

2. The order passed now is not interfered with only to ensure that the trial is not unnecessarily stopped and reserved to the petitioner right to approach the trial Court for his request for examination of handwriting expert with reference to the admitted signatures of the deceased and for comparison with signatures as found in the Will propounded by the defendant filed as an exhibit in the Court and in the register. The civil revision is disposed of with the above observations.

(K. KANNAN)
JUDGE

April 09, 2015
Pankaj*