

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2563 of 2015 (O&M)
Date of decision: 4.5.2015

Surjit Singh

.. Petitioner

v.

Rani and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Naveen S. Bhardwaj, Advocate for the petitioner.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 18.3.2015, passed by the learned court below, whereby the application filed by the petitioner-plaintiff for framing of additional issue was dismissed.

Learned counsel for the petitioner submitted that the issue sought to be framed arises out of the pleadings of the parties and for that no evidence shall be required as the same is already on record, otherwise the entire evidence in the case is already complete.

After hearing learned counsel for the petitioner, I do not find any reason to interfere with the impugned order. The issue sought to be framed now is as to whether Will dated 12.2.2004 executed by Anoop Singh is valid. The onus was sought to be put up on the defendants. Meaning thereby, in case on that issue the defendants have not led any evidence, the case of defendant No. 1 will be prejudiced and not of the petitioner. The effort is to get the case re-opened and lead further evidence. Besides this, the petitioner had made another effort to lead evidence in rebuttal, which was declined. The learned court below has further observed in the impugned order that the Will was projected by defendant No. 1 and she has already

proved the same. The parties led the evidence knowing well the case set up by each of them.

Accordingly, the present petition is dismissed.

(Rajesh Bindal)
Judge

4.5.2015
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