

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

Civil Revision No.4274 of 2015

Date of decision: 09.07.2015

Pardeep Kumar Sarin

.... Petitioner

versus

Sarita Bakshi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashwani Gaur, Advocate,
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (*Oral*)

In a defence to an action for partition propounding a Will, the defendant took upon himself the burden of proof and let in evidence as regards execution and attestation. The plaintiff sisters, who had a right of rebuttal, gave evidence to contradict the defendant's witnesses and examined an expert to speak about the genuineness of the signature as found in the document. After the evidence of the plaintiffs, the defendant has again sought for additional evidence for examining his own expert. The case cannot be converted into a see-saw swing for the defendant to be assuming

that he will still have a right after rebuttal evidence is given by the plaintiffs. If the defendant did not think it necessary to examine an expert and closed his evidence after examining all other witnesses, he cannot have luxury to contradict the plaintiff's version again. Curtains ought to be downed for the defendant and correctly the prayer for examination of the witnesses was declined by the court below. There is nothing illegal for interference in the order. Revision petition is dismissed.

(K.KANNAN)
JUDGE

09.07.2015
sanjeev