

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

Civil Revision No.5159 of 2010 (O&M)
Date of decision: 07.09.2015

Hari Singh and others

... Petitioners

versus

Jagir Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.P. Singh Ahluwalia, Advocate,
for the petitioners.

Mr. Kuljeet Singh Sidhu, Senior Advocate,
with Mr. G.S. Benipal, Advocate,
for the respondent.

K.Kannan, J. (Oral)

CM No.18449-CII of 2015

Impleadment ordered, subject to all just exceptions.

Registry to carry out necessary amendment in the memo
of parties.

Application stands disposed of.

Civil Revision No.5159 of 2010

1. The defendant, who propounded a Will, brought proof for the Will by examining witnesses and on the plaintiff's turn for rebuttal sought for permission for examination of an expert witness who would bring a comparison to the signatures of Puran Singh-the alleged executant and the signature of the plaintiff himself which

was said to have been made in the Will which was disputed by the plaintiff. The court found that the plaintiff had a right to bring rebuttal evidence and the defendant alone had to take the burden of establishing the Will and if the plaintiff denied the same, he ought to be given an opportunity to bring the rebuttal evidence by examination of expert. The court has taken a view which cannot be assailed in revision, for, only parties will decide on what is appropriate for their case and if a particular evidence was relevant and it is also sought within the time which the court was granting, there could be seen no illegality for interference in revision. The revision petition is dismissed.

(K.KANNAN)
JUDGE

07.09.2015
sanjeev