

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

CR No. 6324 of 2013 (O&M)

Date of decision: 21.12.2015

Ranbir Singh

... Petitioner

versus

Bhupinder Kaur and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Kulbhushan Raheja, Advocate for the petitioner.

Mr. M.L. Saini, Advocate for the respondents.

K.Kannan, J.

The revision petitioner is the plaintiff who sought for examining an expert to prove a letter alleged to have been executed by one Sarabjit Singh to say that he was alive was declined the relief on the ground that such evidence cannot be brought in rebuttal. After the order was passed by this Court, the plaintiff filed yet another petition that the evidence must be granted in affirmation of his contention by means of additional evidence, that was also declined. The manner of proof of whether the person was alive or dead by attempting to prove the letter must be such extra ordinary situation that there is no other manner of proof of a person was dead or alive. If the evidence is sought to be brought only on proof of some letter alleged to have been written it cannot be taken to be a letter admitted to be written by such a person claimed to be dead by the defendant. It will afford very little value to the quality of evidence and if the Court declined the relief on two other grounds as well, namely, that it was delayed and that an earlier attempt by the plaintiff to bring it as rebuttal evidence could not succeed, then I will find no cause for intervention.

There is no substantial prejudice could be stated to have been caused by declining the application filed by the plaintiff. The order is confirmed and the revision petition is dismissed with above observations.

(K.KANNAN)
JUDGE

21.12.2015
kv