

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

C.R. No.1184 of 2016

Date of Decision.16.02.2016

Jagdish

.....Petitioner

Vs.

Smt. Bimla and others

.....Respondents

Present: Mr. Harish Bharadwaj, 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. In the course of cross-examination of a witness, it was stated that particular signature found in the Will propounded by the plaintiff did not contain his father's signature, for he used to sign only in Urdu. The plaintiff wanted to contend that his father also used to sign in Hindi and sought for evidence to be given to prove the same. This must have been an aspect of cross-examination of the witness who spoke that his father would sign only in Urdu and not in Hindi. It cannot be a matter of rebuttal at the instance of the plaintiff. The plaintiff who propounded the Will should always take upon himself the burden of proving the same and he will have no right of rebuttal. That rebuttal will be available only to the defendant and if he has given evidence, beyond cross-examination eliciting that the version given by the defendant or his witness was not true, the plaintiff shall not have the benefit to call any evidence in rebuttal. The procedure adopted is erroneous and if the Court has

declined the relief, there is no intervention that is called for in the revision petition.

2. The revision petition is dismissed.

(K. KANNAN)
JUDGE

February 16, 2016
Pankaj*