

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

C.R. No.1221 of 2016

Date of Decision.17.02.2016

Viraj Pal Kaur

.....Petitioner

Vs.

Prem Parkash Kaur and others

.....Respondents

Present: Mr. APS Sandhu, 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. The petitioner makes an undue fuss about the fact that the Court has directed the defendant to open his case first at the stage of trial by calling upon the defendant to tender evidence when she was propounding a Will. The predominant case for consideration in suit for right to share in the property of the father claimed by the plaintiff is that the plaintiff has been disinherited through a Will executed in favour of the defendant. The Court will only consider the validity of the Will before it can decide on whether the plaintiff's right could be dismissed or not. The Court was justified in directing the defendant to give evidence and not nibble at the peripheries of having to give evidence whether the suit has been filed through lawful power of attorney or not. If it was an insignificant issue or it did not require any elaborate evidence to be given and the Court had directed the defendant to give evidence, it was for the court to exercise such discretion. If the

plaintiff was herself not aggrieved and she did not press for opening the case, the defendant cannot object to the opening of the case as directed by the trial Court.

2. The revision petition is dismissed as unnecessary.

(K. KANNAN)
JUDGE

February 17, 2016
Pankaj*