

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

C.R. No.1299 of 2016

Date of Decision.23.02.2016

Smt. Tanupriya @ Rashmi

.....Petitioner

Vs.

Rakesh

.....Respondent

Present: Mr. Ajay Jain, 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 a matrimonial proceeding, annulment was sought at the instance of the husband on the ground that the wife had been already married. He was relying on affidavit said to have been given by the wife of her status of marriage with another person and also certificate of marriage. The plaintiff had given evidence but the wife denied the affidavit and also denied that there was any certificate issued. After the defendant's side was closed, the plaintiff has filed an application at the stage of rebuttal to examine an expert to vouch for the genuineness of the signatures as found in the affidavit by comparison of admitted signatures of the wife. The Court has allowed the application.

2. The counsel for the petitioner states before me several case laws that at the stage of rebuttal evidence, the plaintiff cannot be permitted to give any evidence of what is affirmatively required to be proved. All that the law must do is to lead to the simple truth of

whether the wife had been already married or not. This must secure the best proof of what the parties were trying to rely on. If at the stage of rebuttal evidence, the document cannot be proved, I take that this must be treated as a case where the plaintiff lost the original opportunity and he seeks for permission to give the additional evidence. I take this evidence as an opportunity given by the court to bring the best evidence and the wife, if she so wants, will be at liberty to give her won version to again deny the document and give such evidence as she wants to give.

3. The order passed already is maintained and the revision petition is dismissed.

(K. KANNAN)
JUDGE

February 23, 2016
Pankaj*