

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

**CR No.1578 of 2015
Date of Decision: 07.11.2016**

Jagtar SinghPetitioner
Versus
Gurjit Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, Advocate
for respondents No.1 and 2.

Mr. Nitin Goyal, Advocate
for respondents No.8 and 9.

RAJ MOHAN SINGH, J.(Oral)

[1]. Plaintiffs filed a suit for declaration, possession and permanent injunction. Defendants set up a Will dated 27.12.2004 in the written statement. Initially there was no issue on the Will, but at the subsequent stage, additional issues No.9 to 14 were framed vide order dated 21.10.2013. Issues No.13 and 14 read as under:-

“13. Whether Sucha Singh executed a valid will of his estate on 27.12.2004 in favour of defendant No.1? OPD

14. If issue No.13 is proved, whether the will is an unnatural, forged and fabricated document

and is not the outcome of a free mind? OPP”

[2]. Defendants led evidence in respect of issues No.13 and 14 to the effect that if issue No.13 was proved, then plaintiffs were required to lead evidence whether the Will in question was forged and fabricated and was not the result of free mind of the testator.

[3]. Learned counsel for both the parties are *ad idem* that rebuttal evidence has already been led by the plaintiffs, whether that rebuttal evidence is in consonance with issues No.13 and 14 would be seen by the trial Court after appreciating the import of additional issues so framed by the Court. Plaintiffs would be entitled only to lead rebuttal evidence within the scope of issues No.13 and 14. Trial Court would be at liberty to pass appropriate order in case rebuttal evidence led by the plaintiffs is ultimately found to be beyond the scope of aforesaid issues.

[4]. In view of aforesaid, this revision petition stands disposed of.

07.11.2016

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No