

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

-:-

C.R No. 1889 of 2014

Date of Decision: January 18, 2016.

Manjit Kaur & Anr.

..... Petitioners

Versus

Lakhbir Singh & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present:- Mr. Gurcharan Dass, Advocate, for the petitioners.

Mr. S.L.Bhalla, Advocate, for the respondents.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.KANNAN J

The suit by the plaintiffs for right to the property of the father is resisted by the defendant under a Will alleged to have been executed by the father. The defendants have also produced at the time of trial an adoption deed alleged to have been executed on 24.03.1992. The plaintiffs has denied the adoption deed. The defendants have not attempted to produce any proof of the signatures found in the documents. The plaintiffs have sought for examination from an expert to compare the signatures of the father alleged to be found in the document with admitted signature. The Court has not allowed for such an exercise.

I do not think the plaintiff could be in any way prejudiced by the decision taken, since the burden to prove the adoption is only on the

defendant. The plaintiff can well point to the fact that the defendant has not proved the signatures in the adoption deed dated 24.03.1992. In the written statement, the defendants have not even attempted to show as to how adoption is legal when the adoptee is more than 15 years of age. The defendant himself has not offered to produce any proof of the signature of the father by comparing with admitted signatures on the documents. When the burden of proof is only on the defendants and plaintiffs could point out to several fallibilities, the plaintiff need not undertake upon himself a burden to disprove the signatures in the adoption deed. If the plaintiffs have made an earnest attempt to bring even an expert to and the trial Court would not allow for such an exercise, the trial Court cannot use any aspect against the plaintiff as being guilty of any laches.

Under the circumstances discussed here-in-above, I find no merit in the petition. The plaintiffs will abide by the order already passed.

Revision petition is disposed of with the above observations.

January 18, 2016
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(K.KANNAN)
JUDGE