

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

**CR No. 2292 of 2016**  
**Date of decision: March 31, 2016**

**Usha Rani**

**..... Petitioner**

**Versus**

**Rajinder Singh Dhanda and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Shalender Mohan, Advocate  
for the petitioner.

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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?

**Amit Rawal, J (oral).**

The challenge in the present petition is to the impugned order dated 17.2.2016 whereby the application filed petitioner-plaintiff to lead rebuttal evidence by way of additional evidence by examining an expert of the Will dated 21.5.2001 has been dismissed.

It is a matter of record that in the suit, challenge to the aforementioned Will, the petitioner-plaintiff has sought to lead ought to have been lead while concluding the evidence in affirmative, in view of the judgment of a Division Bench of this Court in **Surjit Singh and others Vs. Jagtar Singh and others 2007(1) RCR (Civil) 537, Avtar Singh & another Vs. Baldev Singh and others 2015 (1) PLR 230 & Jagdev Singh and others Vs. Darshan Singh and others 2007 (1) RCR (Civil)794.**

The Division Bench of this Court, while interpreting

the provisions of Order 18 Rule 3 CPC, irresistibly held, where there is no rebuttal issue, the plaintiff has to lead evidence before closing the same in affirmative. He cannot seek permission to produce the evidence after closing the same, by way of rebuttal evidence.

The trial court, in my view has rightly exercised the jurisdiction in declining the application by taking into consideration the aforementioned provisions of law. The order cannot be said to have been passed without jurisdiction.

I do not find any illegality and perversity in the impugned order. The revision petition is devoid of merits. The same is accordingly dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**March 31, 2016**  
**archana**