

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

C.R. No.576 of 2016

Date of Decision.29.01.2016

Harpinder Kaur

.....Petitioner

Vs.

Taranjit Kaur and others

.....Respondents

Present: Mr. Ferry Sofat, 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. A totally confused approach at the trial Court is the casue for this revision petition before this court. I cannot fathom the meaning of the prayer for filing of application for reception of additional evidence, for there was no need to prove mortgage, for the suit itself is not for enforcement of the mortgage. If the plaintiff was interested in disproving the signature found in the Will and seeks for comparison of the signature found in the original register maintained by the Registrar's office making reference to an alleged execution of mortgage in favour of the bank then the evidence will be given by a comprison of the signature as found in the register with the signatures as found in the original. The signature found in the register is to be taken as the primary evidence itself and the signature found in the Will which is produced before the Court is just as well the primary evidence. There is no secondary evidence involved in any of these situations and the application filed in

that regard is meaningless. The requirement of proof that the signature contained in the original register of the Registrar's office is thus of the testator is wholly a different issue. The trial Court is directed to record the evidence of the witness/expert and if any objection is taken by a party that the witness cannot bring a comparison of the signature found in the register with the signature found in the Will, the Court shall discard the same and proceed to carry on with the examination of the expert witness and allow for cross-examination also to continue in that regard. The issue of relevance of comparison and whether the signature found in the register is admitted to be of the deceased testator shall be considered only by the trial Court.

2. I have dispensed with notice and the revision petition is disposed of with the above observations at the state of admission itself.

(K. KANNAN)
JUDGE

January 29, 2016
Pankaj*