

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

C.R. No.586 of 2016

Date of Decision.29.01.2016

Satjit Singh

.....Petitioner

Vs.

Kamaljit Singh

.....Respondent

Present: Mr. Manuj Nagrath, 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?

-. -

K. KANNAN J. (ORAL)

1. In a suit for recovery of damages for use and occupation by the plaintiff against his brother, the plaintiff was making the basis of claim to the property as under a Will alleged to have been executed by the father. The defendant took a plea that the father was never the owner of the property but his mother was and the mother has executed a Will in his favour in the year 1998. The plaintiff confronted a Will alleged to have been executed by the mother in favour of the father and when he denied it, wants to prove the Will in rebuttal. The Court did not allow that to happen.

2. I will find no error in the order passed by the Court below in declining any permission for the plaintiff to prove the Will said to have been executed by the mother in favour of the father, for that ought to have been a matter of essential pleading. Evidence ought not to be permitted to be given on an issue where there was a requirement of

pleading.

3. I will make no intervention. The revision petition is dismissed.

(K. KANNAN)
JUDGE

January 29, 2016
Pankaj*