

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

C.R. No.7151 of 2016 (O&M)

Date of Decision.24.10.2016

Mohinder Kaur

.....Petitioner

Vs

Ajit Singh

.....Respondent

Present: Mr. R.S. Bains, Advocate  
for the petitioner.

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

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**AMIT RAWAL J. (ORAL)**

Qua Will and regarding allowing of the rebuttal evidence, this Court had vide order dated 11.03.2016 (Annexure P-7) allowed the revision petition of the respondent-defendant.

It is settled law that even if there are no issues framed and the parties had led in evidence, the Court can always examine the point raised therein. However, in the instant case the core issue to be seen by the Court is whether there was a due execution of the Will dated 15.02.2004. This Court while allowing the revision petition of the respondent-defendant, had observed that since the petitioner-plaintiff had challenged the Will, the onus was upon him and therefore, could not lead rebuttal evidence in the absence of rebuttal issue.

It is stated that both the parties have led evidence. It is settled law that where the evidence had been led on the particular document i.e. the Will, the Court would not be precluded from hearing the arguments, much less, giving the decision thereon.

In view of the aforementioned observations, I am of the view

moved by the petitioner-plaintiff for framing additional issue qua Will, would be meaningless.

The impugned order is upheld and the revision petition is disposed of with the above observations.

(AMIT RAWAL)  
JUDGE

October 24, 2016  
Pankaj\*

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|---------------------------|-----|
| Whether reasoned/speaking | Yes |
| Whether reportable        | No  |