

113.

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

CIVIL REVISION-1401-2018

Date of decision:01.03.2018.

AJIT SINGH AND ORS

... Petitioners

Versus

LAKHBIR SINGH AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. P.S.Punia, Advocate,
for the petitioners.

HARI PAL VERMA, J.(Oral)

Petitioners have filed present revision petition under Article 227 of Constitution of India impugning the order dated 20.01.2018 (Annexure P-1) passed by Civil Judge (Junior Division), Jagraon, whereby the application of respondent No.1-plaintiff seeking permission to take photographs for comparison of signatures of witness Hoshiar Singh, executants Banta Singh and Bhag Kaur on the Wills dated 21.06.1998 and 21.06.1990, has been allowed in rebuttal, despite the fact that the respondent-plaintiff has not reserved any such right at the time of closing the evidence.

Learned counsel for the petitioner-defendants has argued that under the garb of this application, the respondent-plaintiffs are trying to reopen the entire evidence and therefore no such permission can be granted to the plaintiffs to examine fingerprint expert in rebuttal evidence.

I have heard learned counsel for the petitioners and perused the record.

After the conclusion of evidence by defendants, the plaintiff in rebuttal wants to examine the handwriting expert in evidence. Onus to prove the very execution of Wills dated 21.06.1998 and 21.06.1990 is upon the petitioner-defendants for which defendants have led their evidence. It is in order to rebut such evidence, plaintiff wants to lead evidence in rebuttal. Thus, this Court finds no illegality in the order as the plaintiff has right to lead his evidence in rebuttal.

Dismissed.

(HARI PAL VERMA)
JUDGE

01.03.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No