

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

**CR No.2014 of 2018 (O&M)
Date of decision : March 27, 2018**

Gagandeep Kaur

..... Petitioner

Versus

Mandeep Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Bhupinder Ghai, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 27.02.2018 passed by learned Civil Judge (Jr. Divn.), Fatehgarh Sahib, vide which one application for framing an additional issue was allowed and the second application to recall DW3 Gurmukh Singh for cross-examination was dismissed.

Heard.

It comes out that on the application of the plaintiff for framing additional issue, issue regarding the Will was framed vide impugned order. The burden of proving the same is upon the defendant.

It also comes out that affidavit of one Gurmukh Singh, DW3 was tendered in chief. However, later on, he was given up. Now, the plaintiff wants him to recall for his cross-examination.

I am of the view that since the witness is given up, he cannot be recalled for cross-examination. If the plaintiff wants to examine him, he can always do so in rebuttal as his own witness.

Needless to say that since the burden of proving the additional issue is upon the defendant, the plaintiff will have the right of rebuttal.

With the abovenoted observations, the present revision petition is dismissed. Since the main petition is dismissed, therefore, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

March 27, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No