

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

**CR No.3721 of 2018 (O&M)
Date of decision : May 30, 2018**

Shingara Singh and another Petitioners

Versus

Shinder Kaur and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Munish Gulati, Advocate for the petitioners.

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)

CM-11210-CII-2018

Application is allowed as prayed for.

Main Case

Petitioners have impugned the order dated 09.02.2018 (Annexure P-1) passed by learned Addl. Civil Judge (Sr. Divn.), Moga, vide which the plaintiff was allowed to lead rebuttal evidence to examine the handwriting and fingerprint expert regarding the signatures of Hazara Singh on the disputed Will.

Heard.

Learned counsel for the petitioners contends that the plaintiff has closed the evidence in affirmative. Therefore, no rebuttal could be allowed. However, from the grounds of revision itself, it comes out that an issue was framed “whether Hazara Singh had executed a legal and valid Will dated 18.08.2012 in favour of the defendants No.1 and 2?” The burden of proving the same as on defendant Nos.1 and 2.

Once, defendant Nos.1 and 2 lead the evidence to prove the Will, the plaintiff is entitled to rebut the same. Therefore, there is no illegality or infirmity in the impugned order.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

May 30, 2018
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No