

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

CR No.5828 of 2018
Date of decision: 26.10.2018

Kulbir Singh and another .. Petitioners
vs.

Ranbir Singh and others .. Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. V.K. Sandhir, Advocate
for the petitioners.

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Harinder Singh Sidhu, J.

The petitioners-defendants No.1 and 2 have impugned the order dated 10.08.2018 of the learned Civil Judge (Junior Division), Amritsar whereby the application filed by respondent No.1-plaintiff for permission to examine the handwriting expert has been allowed.

Respondent No.1 has filed a suit for declaration to the effect that the Will dated 19.02.2002 allegedly executed by his mother Surjit Kaur in favour of defendant No.1-Gurpreet Singh (petitioner No.2 herein) is null and void and result of undue influence and coercion.

Defendant Nos.4 and 9 had filed counter claim taking the plea of family settlement. The defendants led their evidence to prove the family settlement. Thereafter, the plaintiff moved an application (Annexure P-4) that he wanted to examine handwriting and fingerprint expert in order to rebut the documents produced by the defendants in his evidence. It was pleaded that the said documents were not on record when the plaintiff had led his evidence. The plaintiff wanted to examine the handwriting and fingerprint expert to take photographs of the documents and give his opinion regarding the same. This application was allowed by the impugned order.

In the impugned order, it has been recorded that the family settlement was produced by the defendant while proving their counter claim. The plaintiff admittedly had the right to rebut the evidence of the counter claimant. It was also recorded that evidence of handwriting expert would assist the Court to reach the right decision.

As admittedly the document regarding the family settlement was produced by the counter claimant in his evidence, the plaintiff had right to rebut the same.

In view of the above, there is no illegality in the impugned order and this petition is dismissed.

26.10.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No