

114

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

**Civil Revision No.6215 of 2018
Date of Decision: 25.10.2018**

RAN SINGH

.....Petitioner

Vs

JAGDEV KAUR @ KARAMJIT KAUR AND ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J. (Oral)

Petitioner has filed this revision against the order dated 23.05.2018 passed by the Civil Judge (Jr. Divn.) Sunam whereby application for seeking permission to produce report of Expert regarding forgery and fabrication of Will dated 17.03.2012 was dismissed.

Plaintiff filed a suit for declaration and injunction challenging the Will dated 17.03.2012 to be forged and fabricated.

Defendants No.1 and 2 have admitted the claim of the plaintiff in the written statement. Defendant No.3 has opposed the suit.

I have considered the submission made by learned counsel for the petitioner.

Onus to prove the Will to be forged and fabricated was upon the plaintiff, who ought to have led evidence of the expert to prove the forgery, but the plaintiff did not do so.

The filing of application by defendants No.1 and 2 for proving the case of the plaintiff in my considered opinion cannot be entertained. Plaintiff has to stand on the strength of her own case. Petitioner/defendant No.2 cannot be allowed to contest the proxy litigation being party to the suit itself.

In view of aforesaid, no indulgence can be granted in this case. This revision petition is accordingly dismissed.

October 25, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No