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

**Civil Revision No.57 of 2019(O&M)
Date of Decision: 15.02.2019**

VIKAS SETIA @ BITTUPetitioner
Vs
LOVELY SETIA AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Amit Aggarwal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 17.11.2018 passed by the Civil Judge (Jr. Divn.) Bathinda, vide which the application filed by the plaintiff for leading evidence in rebuttal was allowed.

[2]. Brief facts of the case are relevant to be noticed.

[3]. Defendant No.1 is the propounder of Will dated 04.03.2012 executed by Smt. Krishna Devi wife of Krishan Lal, who was the father of the parties. Plaintiff is sister of defendant No.1. Defendant No.2 was the father of the parties. In a way dispute is between brother and sister.

[4]. The Will was got registered on 02.08.2012 after the demise of testatrix i.e. mother of the parties. Plaintiff moved an

application for leading evidence in rebuttal for comparison of signature of Krishna Devi on the Will with her standard signature.

[5]. The alleged Will was not produced by the defendants. Only a certified copy of the Will was produced and the same was marked as Ex.D-1. Even summoned witness from the office of Sub-Registrar, Bathinda produced photocopy of the Will. Original Will was never taken in possession by the office of Sub-Registrar.

[6]. While leading evidence, the defendants produced the original Will in Court. The application under Order 11 Rule 14 CPC for production of document was allowed by the trial Court and the plaintiff was given liberty to lead evidence in rebuttal on such production of original Will by the defendants. Since the Will has been produced by the defendants in their evidence, therefore, plaintiff has a right to rebut the same by way of expert evidence.

[7]. In view of above, the indulgence granted by the trial Court in my considered opinion is not liable to be interfered with. This revision petition is accordingly dismissed.

February 15, 2019

Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No