

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.757 of 2019

Date of decision:01.02.2019

Lekh Raj

... Petitioner

Vs.

Ram Piari and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Satbir Rathore, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The present revision petition is directed against the impugned order dated 06.12.2018, whereby, an application of the petitioner-plaintiff at the rebuttal stage seeking permission of the Court for examination of the handwriting expert and allowing to take photographs of the Will dated 01.09.1989 which was registered on 05.09.1989, has been dismissed.

The trial Court framed the following issues:-

- “1. Whether the plaintiffs are entitled to the relief of declaration as claimed for?OPP
2. Whether the plaintiffs are owners in possession of the suit land?OPP
3. Whether the suit filed by the plaintiffs is not maintainable?OPD
4. Whether the present suit is bad for non-joinder and mis-joinder of the necessary parties?OPD

- 5. Whether the plaintiff is estopped by his own act and conduct to file the present suit?OPD
- 6. Whether the suit of plaintiff is barred by time?OPD”

Once the Will was propounded by the plaintiff, the onus to prove the same was on him by leading the evidence in affirmative and not at the stage of rebuttal. In the absence of rebuttal, the impugned order cannot be said to be suffering from illegality and perversity.

Resultantly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

February 01, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No