

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

**CR-6571-2019 (O&M)
Date of decision: 23.10.2019**

Sarabjit Singh

...Petitioner

Versus

Harpreet Singh and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep K. Sharma, Advocate,
for the petitioner.

Ritu Bahri, J.

Petitioner has come up in revision against the order dated 20.09.2019 passed by the Additional Civil Judge (Sr. Division), Khanna, whereby application filed by plaintiffs-respondent Nos. 1 and 2 for permission to examine handwriting and document expert, has been allowed.

A perusal of the impugned order shows that plaintiffs (respondent Nos. 1 and 2) have filed a suit for declaration and permanent injunction to the effect that they are owners in possession of the suit property on the basis of a Will dated 13.05.2006 executed by Rajinder Kaur in their favour. To the contrary, defendants have set up another Will dated 23.04.2004, allegedly executed by Rajinder Kaur in their favour. Accordingly, defendants are seeking the benefit of Will dated 23.04.2004 executed by Rajinder Kaur in their favour. After framing of issues, plaintiffs and defendants have led their respective evidence. Plaintiffs have tried to prove execution of the Will dated 13.05.2006 and the defendants have tried to prove execution of Will dated 23.04.2004. While closing evidence in

affirmative, plaintiffs had reserved their right to lead evidence in rebuttal and had also placed on record report of handwriting expert Ex.P23 with respect to the Will dated 23.04.2004 in favour of the defendants. In these circumstances, application made by the plaintiffs for examining the handwriting expert has been rightly allowed as the onus to prove the Will dated 23.04.2004 was initially on the defendants as they were the beneficiaries of the said Will. Moreover, plaintiffs had reserved their right when they closed their evidence inaffirmative.

Accordingly, having examined the impugned order, no illegality, much less perversity, has been found therein warranting interference by this Court.

Disposed of accordingly.

23.10.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No