

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

**CR No. 2985 of 2017 (O&M)
Date of Decision: 04.02.2020**

Gurdev Singh

.... Petitioner

Versus

Darshan Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Manish K.Singla, Advocate
for the petitioner.

Mr. Aakash Singla, Advocate
for respondent No. 1.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff has filed present revision against the order dated 11.04.2017 while rejecting its prayer for amending issue No. 2, which is extracted as under:-

“Whether the Will dated 02.03.1981 executed by Amar Singh in favour of defendant No. 1 is false, forged and fabricated?OPP”

It is undisputed that the defendant No. 1 had propounded the Will dated 02.03.1981 executed by Amar Singh. Such being the position, the onus to prove the Will is always on the person who propounds the Will. Accordingly, issue No. 2 is amended as under:-

“Whether Amar Singh executed a valid Will dated 02.03.1981 in favour of defendant No. 1? OPD”

Keeping in view the aforesaid fact, the order under challenge is set aside. Learned counsel appearing for the respondent prays that he would require opportunity to lead evidence after the issue has been amended.

While allowing the revision petition, the learned trial Court is requested to further grant two opportunities to the defendant to conclude his evidence. If the plaintiff prayed for a counter opportunity, one opportunity shall also be granted to him.

Petition allowed.

(ANIL KSHETARPAL)
JUDGE

04.02.2020
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	No