

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

112

**CR-314-2022 (O&M)
Date of decision: 17.02.2022**

KULDEEP SINGH

...Petitioner

Versus

**KARAMJIT KAUR (SINCE DECEASED) THROUGH HER
LRS AND OTHERS**

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J (Oral)

The defendant assails the correctness of the interlocutory order passed by the Additional Civil Judge (Sr. Division), Tarn Taran, on 10.12.2021, while dismissing his application to restrain the plaintiff to lead evidence qua Will dated 10.03.2001.

It may be noted here that the plaintiff has already led his evidence.

It is evident that on 09.09.2019, the Court framed an additional issue which is extracted as under:-

“Whether Smt. Jeeto during her life time has executed a Will dated 10.03.2001 in her sound disposing mind in favour of the defendant no.1?OPD”

Thereafter, an additional issue was modified vide an order dated 13.03.2020. Thereafter, the plaintiff was permitted to lead evidence.

The learned counsel representing the petitioner contends that the plaintiff has wrongly led his evidence as it does not fall within the ambit of the rebuttal evidence.

After having heard the learned counsel representing the petitioner, this Court is of the considered opinion that when an additional

issue has been framed which was later on modified, the plaintiff is required to be given an opportunity to lead evidence under the aforesaid issue.

Keeping in view the aforesaid facts, no ground to interfere in exercise of the revisional jurisdiction, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

February 17, 2022
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(ANIL KSHETARPAL)
JUDGE

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