



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

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CR-3140-2025

Date of Decision.:04.09.2025

Deep Rattan and Another

.....Petitioners

Vs.

Reema and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Abhishek Singla, Advocate and
Mr. Shubham Gupta, Advocate
for the petitioners.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Article 227 of the Constitution of India, petitioners assail the order dated 15.04.2025 (*Annexure P-12*) passed by learned Civil Judge (Junior Division), Bathinda, disallowing the petitioners to produce certain documents.

2. Petitioners herein are plaintiffs before the trial Court in civil suit bearing No. CS-4126-2013 titled "*Deep Rattan and another vs. Reema and others*". Dispute pertains to the estate of Smt. Shanti Devi. Plaintiffs claimed right in the suit property on the basis of a Will dated 28.03.2006 purported to be executed by Smt. Shanti Devi. On the other hand, defendants *i.e. respondents herein* propounded Will dated 14.08.1996 in their favour.

3. Trial Court framed necessary issues on 04.01.2016. Onus to prove the Will dated 28.03.2006 was placed upon the plaintiffs *i.e.* petitioners herein; whereas the onus to prove Will dated 14.08.1996 propounded by the defendants-respondents was placed upon them.

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4. After closure of the evidence by the parties, plaintiffs-petitioners had moved an application seeking permission to produce some documents as additional evidence. That application was allowed by the trial Court vide order dated 07.12.2018, which was assailed by the defendants by filing CR-96-2019.

5. It was noticed by a co-ordinate Bench of this Court that plaintiffs- petitioners herein wanted to produce certified copies of mutation and exhibit the jamabandis. Vide an order dated 28.03.2025, the revision of the defendant was accepted and it was held that plaintiffs could not be permitted to produce the evidence, sought to be produced by them, by way of additional evidence.

6. Thereafter, the petitioners- plaintiffs moved an application dated 07.03.2025 (Annexure P-5) seeking permission to lead evidence in rebuttal qua the Will dated 14.08.1996 propounded by the defendants and the onus to prove of which was upon the defendants. Trial Court by way of order dated 27.03.2025 (Annexure P-6) allowed the application, but made it clear that plaintiffs will be allowed to lead rebuttal evidence, which shall be confined only to the Will dated 14.08.1996 i.e. Will propounded by the defendants.

7. Pursuant to the aforesaid order dated 27.03.2025, petitioner No.2 tendered his affidavit as examination-in-chief and along with the same, he tendered documents i.e. mutation No.3623, jamabandis for the year 2006-07 and 2010-11 [Ex.PA to Ex.PC] besides a death certificate. Tendering of these documents with the affidavit of the plaintiff in rebuttal evidence, was objected to by the defendants-respondents. The trial Court by way of impugned order upheld the objections and held by way of impugned order dated 15.04.2025 that documents Ex.PA to PC, tendered by PW-4 Amardeep in rebuttal evidence, shall not be read into evidence.



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8. It is the aforesaid order dated 15.04.2025 (Annexure P-12), which is now assailed by way of present revision.

9. It is contended by learned counsel that once the plaintiffs-petitioners were allowed to lead rebuttal evidence in rebuttal to issue No.4 pertaining to the Will dated 14.08.1996 propounded by the defendants by way of order dated 27.02.2025, they could not be debarred from tendering into the rebuttal evidence the revenue documents.

10. This Court does not find merit in the contention.

11. While allowing the plaintiffs to lead evidence in rebuttal in respect of Will dated 14.08.1996 propounded by the defendants, it was made clear by the trial Court in its order dated 27.03.2025 that plaintiffs will be permitted to lead the said rebuttal evidence confining the same to the Will dated 14.08.1996 only.

12. Learned counsel for the petitioners could not convince this Court as to how the revenue documents, sought to be tendered along with the affidavit of the petitioner in rebuttal evidence, are relevant to the Will dated 14.08.1996. Not only this, this Court in its order dated 28.01.2025 passed in CR-96-2019 (Annexure P-4) had already disallowed the petitioners-plaintiffs from producing the aforesaid revenue documents in additional evidence.

13. In these circumstances, the trial Court has rightly observed in the impugned order dated 15.04.2025 that tendering of the documents i.e. mutation No.3623 as Ex.PA, jamabandi for the year 2006-07 and 2010-11 as Ex.PB and PC, amount to circumventing the order dated 28.01.2025 of this Court; and that plaintiffs had been allowed to lead evidence only to rebut the Will dated 14.08.1996, onus to prove of which was upon the defendants.

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14. In view of the aforesaid facts and circumstances, this Court does not find any illegality or perversity in the impugned order. As such, holding the present revision to be devoid of any merit, same is hereby dismissed.

All the miscellaneous application(s), if any, stand disposed of.

(DEEPAK GUPTA)
JUDGE

September 04, 2025

Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No