



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(124)

CR-6191-2025

Date of Decision:-08.09.2025

RAJINDER KAUR

... Petitioner

Versus

HARBANS SINGH AND OTHERS

... Respondents

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**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present:- Mr. Nitin Jain, Advocate,  
for the petitioner.

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**VIRINDER AGGARWAL, J.** (Oral)

1. Petitioner moved an application for leading additional evidence by examining handwriting document expert to compare the thumb impression on the Will (Ext. D1) during the course, when defendant was leading the evidence. It is a case, where defendant has filed a counter-claim and issue with regard to genuineness of the Will has been framed and onus to prove that issue is on the respondents/defendants. So, when the onus to prove this issue is on respondents/defendants, then petitioner/plaintiff has a certain right to rebut the evidence of the respondents/defendants but before his turn came, petitioner/plaintiff jumped the queue and moved the application for leading additional evidence and the Court vide impugned order declined the application on the grounds that plaintiff has already concluded the evidence and it was well within the knowledge of the plaintiff that Will dated 4<sup>th</sup> of April, 2016 has been relied upon by the defendants and it finds mention in written statement as well as in counter-claim. The reasoning for declining the application given by the Court below is certainly not correct but the turn of plaintiff to examine the expert has not yet come as petitioner/plaintiff will have his right to examine the Expert after the conclusion of evidence by the respondents/defendants.



2. In the light of above, I find no illegality in the impugned order. The revision petition stands dismissed with the observations that petitioner/plaintiff can avail the right to get the Will examined from an independent Expert as appointed by the Court by moving the application at appropriate stage of rebuttal evidence.

3. Pending application(s), if any, is/are disposed of accordingly.

08.09.2025  
*S. Pathania*

(VIRINDER AGGARWAL)  
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No