

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.3216 of 2015.
Decided on:-13.5.2015.

Rajdeep Singh Dhesi.Petitioner.

Versus

Ender Jeet Kaur Dhesi.Respondent.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Argued by:- Mr. P.S. Punia, Advocate
for the petitioner.

Dr. Bharat Bhushan Parsoon, J.

Dismissal of the application seeking leave of the court for placing replication to the written statement of the defendant on record vide order dated 24.4.2015 (Annexure P-1) passed by the trial court, forms genesis of this revision petition.

2. It is claimed that some new facts have been pleaded in the written statement by the respondent-wife which have necessitated filing of replication by the petitioner-husband. Sequelly, reversal of impugned order has been sought.

3. During the course of arguments from the counsel for the petitioner, paper book has been perused. It is revealed that the petitioner under Section 13 of the Hindu Marriage Act, 1955 for dissolution of the marriage by way of decree of divorce filed by the husband is pending

adjudication before District Judge, Ludhiana. Written statement was filed on 23.2.2015. After framing the issues on the said date, the petition was adjourned to 12.4.2015 for evidence of the petitioner.

4. Since 12.4.2015 was declared a holiday, the file was taken up on 13.4.2015 and since there was no evidence of the petitioner available for production before the court, on request, the petition was adjourned to 24.4.2015. When no evidence of the petitioner was present, the case was adjourned to 16.4.2015 for entire evidence of the petitioner. In the meanwhile, an application for grant of permission to file re-joinder to reply of the respondent-wife, had been sought. This prayer of the petitioner-husband did not find favour with the trial court as after receipt of the written statement, even issues had been framed and the case had proceeded further for production of evidence by the plaintiff.

5. Even today, the petitioner-husband has not been able to make out a case as to how filing of the re-joinder was necessary or was to serve the cause of justice. It is not a matter of dispute that furnishing of replication by the plaintiff to the written statement of the defendant is not a necessary step in the proceedings. If the petitioner wants to file replication, he has to make such a request either orally or in the writing on the day, when the written statement is furnished. Not only the application for filing of replication is delayed and dilated but even otherwise, the petitioner has failed to disclose as to what interest of the petitioner would be served by keeping it on record.

6. When the case is already fixed for production of entire evidence of the petitioner after framing of issues on 16.5.2015, no ground to interfere with the well-written and elaborately explained order is there.

7. Sequelly, affirming the impugned order dated 24.4.2015

(Annexure P-1), this revision petition, being devoid of any merit, is dismissed.

May 13, 2015
'Yag Dutt'

(Dr. Bharat Bhushan Parsoon)
Judge

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. Whether to be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes