

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

Civil Revision No. 3783 of 2015 (O&M)

Date of decision : 28.5.2015

Harmanpreet Kaur

... Petitioner

VS

Simarjit Singh

... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sharad Mehra, Advocate, for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 15.4.2015 (Annexure P-1) passed by the learned court below whereby the application filed by the petitioner-wife under Order XVIII Rule 4 CPC for scoring off the affidavits of PW1 Simarjit Singh and PW2 Sukhjinder Singh, was dismissed.

Learned counsel for the petitioner submitted that certain allegations were made by the respondent husband in the divorce petition. The replication was filed after the issues had already been framed. In the affidavit filed in evidence those allegations were reiterated. As the same were beyond pleadings, the affidavits be scored off from the evidence.

After hearing learned counsel for the petitioner, I do not find any merit in the present petition.

The divorce petition has been filed by the respondent-husband. The evidence of the respondent is still being led. In his evidence, he has filed his affidavit and that of PW2 Sukhjinder Singh. It is evident from the impugned order that the case was fixed for 19.5.2015 for their cross-examination.

The issue as to whether any evidence, if led by any party, which is beyond pleadings or is not worth consideration on account of any good reason is to be gone into by the Court at the time of final disposal of the

petition. It is too early to opine individually on the evidence led by the parties.

I do not find that there is any error in the order passed by the learned Court below. The petition is, accordingly, dismissed.

28.5.2015
vs

(Rajesh Bindal)
Judge