

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4512 of 2015 (O/M)
Date of decision : 17.8.2015

Manjit Singh

..... Revisionist

Versus

Kuldeep Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vaibhav Sehgal, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 2.7.2015 (Annexure-P-1), passed by the learned Additional Civil Judge (Senior Division), Ludhiana, vide which the application of the plaintiff/revisionist for filing supplementary affidavit of PW1 Avtar Singh on account of an inadvertent mistake, was dismissed.

It is a suit for specific performance and the plaintiff filed an affidavit. However, before the cross-examination, the plaintiff/revisionist wanted to file supplementary affidavit, mentioning certain facts, which according to the plaintiff/revisionist were

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inadvertently omitted in the plaint. The trial Court has dismissed the application, vide impugned order dated 2.7.2015 (Annexure-P-1), passed by the learned Additional Civil Judge (Senior Division), Ludhiana, saying that it will amount to filling up the lacuna and further that it will tantamount to allow the re-opening of the trial proceedings.

I am of the view that the impugned order from the face of it is not sustainable. When the cross examination has not been done, any additional fact can always be brought on file by way of supplementary affidavit. Therefore, at the motion stage, the present revision is allowed, subject to costs of Rs. 5,000/-.

The revision is accordingly allowed.

(KULDIP SINGH)
JUDGE

17.8.2015
sjks