

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

(108)

CR No.4873 of 2015

Decided on: August 05, 2015.

Abhishek Dhawan

.... Petitioner

Versus

Smriti Narula

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Vandana Sharma, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

This is husband's revision petition against order dated 02.07.2015 refusing to permit him the amend divorce petition to enable him to incorporate certain specific instances alleged to be falling under the definition of cruelty. The trial Court has dismissed the application observing that the petitioner wants to incorporate certain facts which had taken place prior to filing of the petition.

Learned counsel for the petitioner has vehemently urged that the petitioner seeks to incorporate specific instances in order to substantiate the allegation of cruelty levelled against the respondent-wife.

I have heard learned counsel for the petitioner and gone through the proposed amended written statement which is sought to be placed on record.

On asking of the Court, counsel for the petitioner informs that evidence of the plaintiff has already been recorded. He has been even partly cross-examined.

Taking into consideration the stage of the proceedings before the trial Court in context to the amended provisions of Order 6 Rule 17 CPC

I am of the opinion that since the trial has commenced, there is no reason to believe that despite due diligence the petitioner could not have raised the pleas before the commencement of the trial.

No ground is made out for interference in the impugned order.

Dismissed.

(M.M.S. BEDI)
JUDGE

August 05, 2015
harsha