

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6967 of 2011 (O&M)

Date of decision: 27.07.2015

Jitender

... Petitioner

versus

Kusum

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Karan Bhardwaj, Advocate, for the petitioner.

Mr. Vishal Malik, Advocate for the respondent.

K.Kannan, J.

The revision is against the order rejecting an application for amendment of the petitioner after the conclusion of trial. The petition was for divorce brought by the husband against his wife through a petition filed on 22.04.2010. Subsequent to the petition the wife had lodged a FIR for alleged offences under Section 406, 498, 323 and 506 IPC. This complaint appears to have escalated to a criminal prosecution being lodged but it was ultimately dismissed. The petitioner has moved the amendment application to make a reference to the criminal complaint and the subsequent dismissal and this was dismissed.

Counsel for the respondent would contend that the petitioner husband had not taken any steps during all the time when the trial took place and he cannot be permitted to bring this application at the belated

stage.

The application had been filed on 18.10.2011, no doubt after the commencement of the trial but the criminal complaint itself had been dismissed only on 21.11.2014. The registration of complaint of a criminal case and its ultimate result have a sure bearing for consideration to a ground of cruelty and I will allow this amendment to be brought on record and permit the wife also to file an additional reply or amendment of the reply already filed.

The parties will also be permitted to give any additional evidence that would be required to give on these additional pleadings.

The impugned order is set aside and the civil revision petition is allowed with liberty as aforesaid.

(K.KANNAN)
JUDGE

27.07.2015
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