

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2088 of 2016

Date of Decision.22.03.2016

Jagtar Singh

.....Petitioner

Vs.

Mohinder Singh and others

.....Respondents

Present: Mr. Anil Chawla, Advocate
for the petitioner.

Mr. Prateek Mahajan, Advocate
for respondent No.1/caveator.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The revision petition is vexatious attempt for a defendant to linger on. He must be thankful that he had been granted opportunity to have the decree set aside even though the other defendants entered contest and lost the case upto Supreme Court. After the written statement was filed and issues were set, it would appear that the defendant had been examined but before the cross-examination was completed, he was arrested and when he was not available for cross-examination, his side had been closed and the case had been disposed of on the same day on 02.09.2014.

2. In the appeal filed by the defendant, he has made as a ground of appeal that he had not been given sufficient opportunity to be cross-examined and the rejection of defence and the decree passed

against him was improper. He has filed now an application setting up some case of family settlement and he wants written statement to be amended. I will not allow for amendment to be taken for the only reason that he had sufficient opportunities to state all that was necessary and if the case would require to be considered on the issue of whether the trial Court was justified in closing the evidence, that will be independently taken but there is no justification for bringing an amendment to the written statement. If the Court has adverted to other reasons that the defendant was attempting to by pass the procedure, I may not agree with the said reasoning but the ultimate dispensation of dismissal of the application for amendment is maintained and the revision petition is dismissed.

(K. KANNAN)
JUDGE

March 22, 2016
Pankaj*