

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 5723 of 2016

Date of decision : 07.09.2016

Parbhjit Kaur

....Petitioner

V/s

Mangaljeet Singh

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. G.K. Mann, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner is aggrieved against the order passed by trial court whereby application filed by her under Order 6 Rule 17 CPC for amendment of written statement has been dismissed.

Learned counsel for the petitioner has assailed the order. According to her, amendment was necessary for just decision of the case. Thus, application under Order 6 Rule 17 deserves to have been accepted by the court below. She has relied upon judgment of this court reported as *Amar Singh vs. Nirmal Singh & anr. 2016(3) RCR (Civil) 192*.

I have heard learned counsel for the petitioner.

It appears that a petition under section 13 of Hindu Marriage Act 1955 was instituted by Mangaljeet Singh (respondent herein) seeking dissolution of marriage. Petitioner filed written statement. Thereafter, she moved instant application for amendment in the written statement. Trial court rejected the prayer for amendment observing that application was moved at a belated stage. Besides, facts mentioned in the present application were not necessary for adjudication of the case. Mere fact that

FIR had been lodged by the wife would be of not much relevance. I find no infirmity with the order passed by the court below. It appears that trial has commenced and petitioner-husband has already led his evidence. No such ground exists which would necessitate invocation of Order 6 Rule 17. Judgment relied upon by the petitioner cannot help the case of the petitioner. No interference is called for in revisional jurisdiction of this court. Dismissed.

September 07, 2016

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No