

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

**CR No.8198 of 2016
Decided on: 16.12.2016**

Krishan Bhardwaj

....Petitioner

Versus

Mukesh Kumar

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Kamal Mor, Advocate
for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 11.11.2016 (Annexure P5) passed by the Civil Judge (Jr. Division) Gurgaon whereby application filed by the petitioner to file reply to the counter-claim has been dismissed.

The present *lis* pertains to a dispute between the father and a son. The petitioner filed a suit for permanent injunction against his son and the respondent was allowed to file counter-claim by way of amendment of the written statement. The order passed by the trial Court allowing amendment of the written statement became subject-matter of challenge at the behest of the petitioner in CR No.6580 of 2014 that came to be dismissed by this Court on 12.01.2015 (Annexure P3). The instant application for filing reply to the counter-claim was filed in October, 2016 and by that time, parties had already adduced their evidence and the case was fixed for rebuttal evidence and arguments.

Plea of the petitioner in the application is that factum of dismissal of the revision petition came to his knowledge on 10.10.2016.

It is difficult to accept to reason that a person who has filed a petition before this Court would not bother to know its fate for a period of about two years. Even otherwise, if the petitioner did not take due care and remained unvigilant, he cannot take advantage of his lackadaisical attitude. In this view of the matter, I do not find any reason to interfere in the discretion exercised by the trial Court disallowing application of the petitioner as allowing such a relief would re-open the case and virtually a *de novo* trial.

For the foregoing reasons, the petition fails and is accordingly dismissed *in limine*. No order as to costs.

16.12.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No