

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.8634 of 2016
Date of decision:21.12.2016

Sukhwinder Singh

... Petitioner

Vs.

Harpal Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sherry K. Singla, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-plaintiff is aggrieved of the impugned order dated 29.11.2016, whereby, the permission had been granted to the respondent-defendants to file a fresh affidavit of expert along with report as due to inadvertence, report of some other case containing the averments made in the affidavit had been filed.

Mr. Sherry K. Singla, learned counsel appearing on behalf of the petitioner-plaintiff submits that once the document has been executed, the same cannot be permitted to be withdrawn. At the best, the respondent-defendants could have sought the amendment of the affidavit, in essence, no opportunity should have been granted to the respondent-defendants to file a fresh affidavit.

I have heard learned counsel for the petitioner-plaintiff and appraised the paper book and of the view that once the report is meaningless

as it pertains to some other case which is not subject matter of the dispute in the pending suit. The mistake can always be rectified. The affidavit and report pale into insignificance. The party cannot be prevented to rectify the mistake. The order under challenge enabling the respondent-defendants to file a fresh affidavit of the expert giving the report in respect of the documents pertaining to the suit is perfectly legal and justified.

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

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

December 21, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No