

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

CR No.3959 of 2014 (O&M)

Date of Decision: 12.10.2017

Devinder Singh

... Petitioner

Versus

Paramjit Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rakesh Chopra, Advocate,
for the petitioner.

Mr. J.S. Toor, Advocate and
Ms. Neeraj Sharma, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL).

The defendant/petitioner is in revision petition against the order dated 07.03.2014.

It is not in dispute that the defendant filed an amended written statement. Learned trial Court amended the issues. Thereafter, the plaintiff wanted to file a supplementary affidavit in evidence. The defendant/petitioner objected thereto. It is being pleaded before me that such affidavit is beyond pleadings.

I have seen the order passed by the learned trial Court. No such contention was raised before the learned trial Court. However, learned counsel for the petitioner submits that he had argued before the Court below. Since the order passed by the learned trial Court does not record that any argument in this regard was made before it, the submission of learned counsel for the petitioner cannot be accepted.

Once an amended written statement has been filed and amended issues have been framed, the plaintiff is entitled to file his supplementary affidavit in evidence. Whether a particular part of the evidence is beyond the pleadings or not, will be examined by the Court when the evidence is recorded.

In view of the above, I do not find any good ground to interfere with the order passed by the learned trial Court.

The revision petition is dismissed.

Needless to say that the petitioner would be entitled to raise objections at the appropriate stage.

The trial Court is requested to expedite the trial of the case.

(ANIL KSHETARPAL)
JUDGE

12.10.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No