

Civil Revision No. 744 of 2017 (O&M)

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

Civil Revision No. 744 of 2017 (O&M)
Date of decision: 2.2.2017

Naresh

... Petitioner

Vs.

Smt. Varsha and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Garvit Kalra, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 11.1.2017, passed by learned family court, whereby application of the petitioner seeking amendment in his divorce petition was dismissed, petitioner has approached this Court by way of present revision petition.

Heard learned counsel for the petitioner.

It is a matter of record that petitioner filed his divorce petition under Section 13 of the Hindu Marriage Act, 1955, (the Act' for short) as far back as on 25.3.2013. After conclusion of pleadings of the parties, appropriate issues were framed by learned matrimonial court. Petitioner

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closed his evidence in affirmative and thereafter respondent No.1 produced and concluded her defence evidence as well. When the case was fixed for final arguments, petitioner moved application dated 17.12.2016 (Annexure P-3), seeking amendment in his divorce petition and also to implead respondent No.2, as the applicant was intending to introduce the allegation of adultery against respondent No.1 by way of amendment in his divorce petition. After hearing learned counsel for the parties and going through the record of the case, learned family court, vide its impugned order dated 11.1.2017, dismissed the application of the petitioner. Hence this revision petition under Article 227 of the Constitution of India.

The only ground taken by the petitioner in his application for amendment was that he was in possession of Compact Discs ('CDs' for short), so as to prove the allegation of adultery against respondent No.1. However, petitioner did not attach the CDs alongwith his application for amendment, so as to make out at least a prima facie case for amendment in his divorce petition. Application for amendment was moved by the petitioner after more than three years when the case was already listed for final argument, after conclusion of evidence of both the parties. He also withheld the CDs from the court even at the time of filing of application for amendment. Having said that, this Court feels no hesitation to conclude that learned family court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order and the same deserves to be upheld. Under these circumstances, it can be safely concluded that learned family court committed no error of law, while

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passing the impugned order and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

2.2.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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