

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CR-8428-2015(O&M)

Date of Decision:24.04.2017

Gurmail Singh

.....Petitioner

Versus

Sukhjinder Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.PKS Phoolka, Advocate,
for the petitioner.

Ms.Naina Issar, Advocate,
for respondent Nos.1 to 3, 5 and 6.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the order dated 11.03.2015 passed by the learned trial Court, whereby his application for additional evidence was dismissed, defendant has approached this Court by way of present revision petition filed under Article 227 of the Constitution of India, for setting aside the impugned order passed by the learned trial Court.

Heard learned counsel for the parties.

It is a matter of record that Civil Revision No.8840 of 2015 filed by the petitioner has been dismissed by this Court vide a separate order passed today, whereby his application filed under Order 6 Rule 17 read with Section 151 of the Code of Civil Procedure, seeking amendment in the written statement, at a belated stage of rebuttal evidence, has been dismissed by the learned trial Court.

Once the learned trial Court has rightly declined the application of the petitioner for amendment in the written statement and the said order

passed by the learned trial Court has been upheld vide abovesaid order passed in Civil Revision No.8840 of 2015, there is hardly any scope left for interference at the hands of this Court in the impugned order passed by the learned trial Court. A bare perusal of the impugned order of the learned trial Court would show that after framing appropriate issues, plaintiffs started and concluded their evidence in affirmative. Thereafter, defendants also concluded their evidence and the case was fixed for rebuttal evidence. The evidence of the petitioner-defendant was closed vide order dated 12.01.2015 passed by the learned trial Court.

In this view of the matter, coupled with the facts aforementioned that the application for amendment in the written statement of the defendant was declined by the learned trial Court, which has been upheld by this Court vide abovesaid order passed in Civil Revision No.8840 of 2015, no fault can be found with the impugned order passed by the learned trial Court.

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 above-said observations made, the instant revision petition stands dismissed, however, with no order as to costs.

April 24, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No