

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CR No.1930 of 2018 (O&M)

Date of Decision : 22.03.2018

Baldev Singh

..... Petitioner

Versus

Jaspreet Kaur Gill

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vaibhav Sehgal, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed against the order rejecting an application for amendment of the written statement.

The respondent had filed eviction petition claiming that she required the shop in dispute for her own use to start a Boutique since she had shifted back from Canada. Apart from the other pleas which were taken in the written statement a specific plea was taken denying the averment that the respondent had shifted back from Canada.

During the pendency of the case the petitioner moved the present application in which it was averred that during the pendency of the case the respondent had moved back to Canada along with her children and had rather given birth to yet another child in Canada and this fact showed that she had no intention of coming back. This application having been rejected the petitioner is before this Court.

Learned counsel has vehemently argued that if the petitioner is able to take this plea in the written statement and prove it, it would end in dis-entitling the respondent from getting the shop in dispute.

In my opinion, the essential plea was already taken by the petitioner and at the most some new facts have come to light after the petitioner had led his evidence. Learned counsel states that actually that possibility was not available to the petitioner because he had already given his testimony.

In my opinion, the ends of justice would be met if the petitioner is permitted to be recalled and to give testimony about the facts which he wants to now mention in the amended written statement on one effective date. The respondent would be granted one effective opportunity to cross examine the petitioner and two further opportunities to lead any evidence in rebuttal.

The petition stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

22.03.2018
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No