

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

C.R. No.2924 of 2018

Date of Decision.04.05.2018

Waryam Singh (since deceased) through LRs and anotherPetitioners

Vs

Smt. Satvinder Kaur and othersRespondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. HPS Ishar, Advocate
for the petitioners.

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AMIT RAWAL J.(ORAL)

The revision petition is directed against the order whereby the application of the plaintiff for rejection of the written statement being evasive has been dismissed.

Mr. Ishar, learned counsel appearing on behalf of the petitioner submitted that the written statement was not in accordance with the provisions of Order 8 Rule 5 CPC, therefore, there was no defence in the eyes of law and once the written statement of the defendants is rejected, the suit of the plaintiff is bound to be decreed.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Ishar, for, contents of the application reveal that indulgence of the court was sought for rejecting the written statement as it is vague. Even if, according to the petitioner, the written statement is vague and evasive, all these factors would not be seen in the manner and mode as adopted by the petitioner-plaintiff but at an appropriate stage. The filing of

the application was probably an attempt to take advantage in the absence of

the written statement and get the suit succeeded allegedly discharging the onus. Such a reckless action of the petitioner-plaintiff does not call for interference.

In view of the aforementioned, the order under challenge is upheld and the revision petition is dismissed with costs of Rs.5000/-.

(AMIT RAWAL)
JUDGE

May 04, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No