

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128

CR No.8431 of 2016
Date of decision: 14.05.2018

Rajbir and another

..... Petitioners

Versus

Des Raj and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.K. Handa, Advocate
for the petitioners.

Mr. J.S. Chahal, Advocate
for respondents No.1 to 3.

Mr. Vinay Kumar Pandey, Advocate
for respondent No.4.

ANIL KSHETARPAL, J. (ORAL)

Defendants No.3 and 4-petitioners are in the revision petition against the order passed by the learned trial Court dismissing the application under Section 151 for cancellation of the statements suffered by them in their written statement dated 20.07.2012.

Parties to the litigation are closely related and pursuant to the statement filed, defendants No.3 and 4-petitioners appeared and filed written statement. In the written statement, defendants No.3 and 4 admitted the claim as set up in the plaint. Thereafter, they appeared in the Court and made a statement to the same effect. However, now the defendants No.3 and 4-petitioners want to resile therefrom which has not been permitted by the Court after noticing the conduct of defendants No.3 and 4.

Learned counsel for the petitioners has submitted that there is some incident between the plaintiff and defendants No.3 and 4, which has resulted into change of the stand of the petitioners. He has submitted that the petitioners should be permitted to withdraw their statement in the Court and amend their written statement. However, learned counsel for the petitioners could not point out as to how and in what manner the written statement already filed and the statement suffered before the Court was either due to any mistake or fraud.

In view thereof, this Court does not find any good ground to interfere with the order passed by the learned trial Court.

Revision petition is dismissed.

14.05.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No