

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

**CR No.8057 of 2018
Date of Decision:28.11.2018**

Naveena and another

...Petitioners

Versus

Shehnaz and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Lovinder Kaur, Advocate for
Mr.S.S.Brar, Advocate for the petitioners.

ANIL KSHETARPAL, J.

The petitioners, who are the legal heirs of defendant No.2, are in the revision petition against the order passed by the learned trial court dated 23.10.2018, whereby they were not permitted to file the written statement when the case is at the stage of evidence being led by the defendants.

There are five defendants in the application for permission. It has not been pointed out that as to how the stand of defendant No.2 is different than the stand of other defendants. It has also not been pointed out that as to how many defendants have already filed the written statement. The suit is being contested and the defendants are leading their evidence. Thus, it is obvious that the defendants are contesting the suit.

At this stage, if the written statement is allowed to be filed, it would result in de-novo trial. The suit is pending for the last five years as the suit pertains to year 2013.

Keeping in view the fact that LR's of defendant No.2 have failed to specify the reason for filing the separate written statement, this Court does not find any ground to interfere.

Dismissed.

28.11.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No