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

**Civil Revision No.262 of 2019
Date of Decision: 16.01.2019**

PINKI LAMBA

.....Petitioner

Vs

M/S STANLEY INDUSTRIES AND OTHERS

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. P.S. Miglani, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

This revision petition has been preferred against the order dated 04.01.2019 passed by the Civil Judge (Jr. Divn.) Ludhiana, whereby the application for rejecting affidavit dated 02.08.2017 was allowed.

Perusal of the record would show that the application filed by the defendants for rejection of affidavit of Vikas Verma proprietor of M/s Lamba Enterprises filed on 02.08.2017 was taken out of consideration from the case.

Plaintiff filed affidavit through attorney Vikas Verma on 01.05.2015 and said Vikas Verma was partially cross-examined on the basis of said affidavit. Thereafter, Kaushlya Rani died

and one Pinky Lamba became proprietor of the plaintiff firm. Instead of completing cross-examination of Vikas Verma on the basis of affidavit dated 01.05.2015, fresh affidavit was filed by the plaintiff-firm on 02.08.2017. Plaintiff has not sought any permission from the Court to re-tender affidavit of Vikas Verma on 02.08.2017 and has not brought on record any substantial change after the demise of Kaushlya Rani which ultimately leads to the filing of fresh affidavit dated 02.08.2017. Partial cross-examination of Vikas Verma has already been conducted.

In view of above, bringing out the affidavit out of consideration of the Court cannot be held to be an exercise which requires any interference by this Court. The trial Court has rightly rejected the affidavit and has fixed the case for remaining plaintiff evidence. This revision is accordingly dismissed.

January 16, 2019

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No