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

**Civil Revision No.2838 of 2018
Date of Decision:27.02.2019**

Vikash	Petitioner
Vs	
Smt. Nisha and others	Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Harkesh Manuja, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. This revision petition has been preferred by the petitioner/defendant No.1 against the order dated 26.02.2018 passed by the Civil Judge (Jr. Divn.) Gohana, vide which the application under Order 8 Rule 9 CPC filed by the petitioner for filing of additional written statement was dismissed.

[2]. Perusal of the record would show that the petitioner wanted to file additional written statement on the ground that he was not aware of the present case, because he did not file any written statement earlier and also did not engage any Advocate on his behalf. He further submitted that his brother and learned counsel of his brother may have misused his signatures while engaging the Advocate for him.

[3]. Perusal of the record would also show that the

petitioner along with his brother filed written statement on 21.03.2014. Thereafter, an application under Order 1 Rule 10 CPC was filed by the wife of the petitioner on behalf of her minor son. The said application was allowed vide order dated 16.07.2014 passed by the trial Court. Since then, the wife of the petitioner has been contesting the case on behalf of her son. After a period of about 3 years, the petitioner cannot be permitted to say that he was not having any knowledge about filing of written statement on his behalf.

[4]. At this stage, filing of additional written statement would further delay disposal of the suit. Such discretion cannot be exercised owing to the conduct of the petitioner, particularly when he has not denied his signature on the power of attorney. Only the explanation given by him is that his signatures might have been misused.

[5]. In view of facts and circumstances of the case, no such indulgence can be granted in favour of the petitioner. The impugned order passed by the trial Court does not suffer with any error of jurisdiction. This revision petition is accordingly dismissed.

February 27, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No