

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 2107 of 2019 (O&M)

Date of decision : 28.3.2019

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Pargat Singh

.....Petitioner

vs.

Harbhajan Kaur and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Surinder Kumar Saini, Advocate for the petitioner

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H. S. Madaan, J.

This revision petition is directed against order dated 26.2.2019, passed by Civil Judge (Junior Division), Jalandhar, in suit titled as 'Harbhajan Kaur vs. Pargat Singh and others', vide which application filed by defendant No.1 for amendment of the written statement was dismissed.

The trial Court while dismissing the application has observed that by way of bringing any amendment defendant No.1 wanted to take plea that whole of the suit property was self acquired property of Charan Singh and that Charan Singh did not inherit it, when in the original written statement he had taken up the plea that except for 14 kanals of the suit property, rest of the suit property was inherited by Charan Singh from his father. Therefore, defendant No.1 could not be

allowed to withdraw his admission qua material facts of the present case and furthermore, the reason given for belated filing of application was not convincing.

Defendant No.1 is aggrieved by the said order and has approached this Court by filing the present revision petition. However, after perusing the order carefully, I find that it does not suffer from any illegality or infirmity and there is no requirement to interfere in the same while exercising the revisional jurisdiction. Of course there cannot be any dispute with the observation by the trial Court that no litigant can be allowed to withdraw the admission made by him in the pleadings without any justifiable reason.

As regards, the authority *Usha Balashaheb Swami and others vs. Kiran Appaso Swami and others, 2007 (2) RCR (Civil) 830* referred by learned counsel for the petitioner, the same is not applicable due to different facts and circumstances.

Thus finding no merit in the revision petition, the same stands dismissed.

28.03.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No