

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

248

CR-5082-2019

Date of Decision : October 23, 2019

KARUNA SHARMA

.....Petitioner

VERSUS

PRIYA @ RAMA AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Ms. Monika Dudani Mehtab, Advocate
for the petitioner.

Mr. Anuj Kumar Sharma, Advocate
for respondent No.1.

Service of respondents No.2 to 4 dispensed with
vide order dated 3.9.2019.

NIRMALJIT KAUR, J. (Oral)

This revision is filed against the order dated 8.4.2019 passed by the Civil Judge (Jr. Divn), Chandigarh vide which the written statement which is neither verified nor supported by the affidavit in Civil Suit No. 526 of 2017 was accepted and the application seeking rejection of the same was dismissed by the impugned order.

This Court may note that the main dispute is qua the occupation of the Government house by the respondent which was in fact allotted to the petitioner, who is her mother-in-law. The respondent is stated to be living alone in the said house even after the retirement of the mother-in-law from the Government thereby burdening the petitioner with three years penal rent. The petitioner is stated to be a widow and the

respondent is stated to have filed as many as 14 cases against the petitioner.

Learned counsel for the respondent has disputed all these facts.

Be that as it may, the dispute is only with respect to the verification of the written statement.

The respondent has filed written statement without the affidavit. Even the written statement has not been signed by respondent-Priya Sharma, forcing the petitioner to file an application seeking its rejection. However, the trial Court dismissed the application vide order dated 8.4.2019 on the ground that the written statement filed by the respondent is duly verified by respondent No.1 and her counsel.

Upon notice, learned counsel for the respondent has appeared in person alongwith her counsel.

Learned counsel for the respondent while opposing the present revision petition submitted that only prayer in the application was that the written statement has not been supported by affidavit and it is not necessary to file affidavit in support of the written statement. The argument raised by learned counsel for the respondent cannot be sustained in view of the order dated 8.4.2019 wherein the application has been dismissed only on the ground that the written statement was duly signed and verified by the respondent. There is no mention of the alleged affidavit which was required to be filed in the impugned order.

In order to ascertain the correct position, this Court

summoned the original record. A perusal of the original record shows that the written statement has not been verified by respondent-Priya Sharma and has signed. It was signed only by her counsel Mr. Anuj Kumar Sharma, Advocate. Nor any affidavit has been placed on record in support of the written statement. Today, learned counsel for the respondent has not been able to show anything contrary to the requirement or the necessity of signing and verifying the written statement by the concerned respondent-defendant.

In view of the incorrect facts as recorded by the trial Court as also taking into account that neither the written statement is supported by the affidavit nor the said written statement has been verified, the present revision petition is allowed and the order dated 8.4.2019 is set-aside.

However, at this stage, learned counsel for the respondent submitted that they were ready to rectify the error by signing and verifying the written statement.

In view of the same, although the said prayer is made very late in the day but in view of the fact that the respondent is herself present in the Court to support and sign the said written statement, this Court allows the respondent to rectify the same subject to payment of Rs.15,000/- as costs to be paid to the petitioner-plaintiff.

October 23, 2019

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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No