

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

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2023:PHHC:093794

**CR-9001-2017(O&M)
Date of decision: 25.07.2023**

MEHAR SINGH

..Petitioner

Versus

RAKESH KUMAR AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Savita Rana, Advocate
for the petitioner.

Ms. Aashna Aggarwal, Advocate
for respondent No.1 and 2.

ANIL KSHETARPAL, J(Oral)

An application filed by the plaintiff to return the affidavit of defendant No.1 (Ex.DW1A) to the defendant has been dismissed by the trial Court. This revision petition has been filed to challenge its correctness.

The learned counsel representing the petitioner contends that previously defendant No.1 made an attempt to amend his written statement, which was dismissed by the trial Court and the same was confirmed in revision petition. She submits that the affidavit tendered in evidence by defendant No.1 is contrary to his pleadings in the written statement.

This Court has considered the submissions and analyzed the arguments.

At this stage, the attention of the Court has not been drawn to any provision, which requires the Court to return the affidavit filed in evidence by a party to the suit.

The trial Court while finally deciding the suit will consider all aspects of the matter.

Keeping in view the aforesaid facts, the revision petition is disposed of with the aforesaid observations.

Needless to observe that the Court will finally decide the case uninfluenced by the impugned order passed by the trial Court.

All the pending miscellaneous applications, if any, are also disposed of.

July 25th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*