

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

CR-1049 of 2020 (O&M)
Date of Order: 25.07.2023

Jawahar Singh

Petitioner

Versus

Vishal Nehra and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Prateek Gupta, Advocate,
for the respondents.

ANIL KSHETARPAL, J

1. The petitioner herein is the defendant in a pending suit for grant of decree of mandatory injunction, mesne profits and permanent injunction. The petitioner herein filed a written statement while contesting the case. On completion of the pleadings, the issues were framed. Thereafter, the plaintiff led his evidence. When the case was at the stage of defendant's evidence, an application for permission to file the counter claim by amending the written statement has been dismissed by the trial court.

2. During the pendency of the revision petition, the examination of defendant's witnesses has begun and one witness of the defendants has also been examined. There is substantial progress in the trial of the suit that has been originally filed. The petitioner subject to limitation can file a separate suit. At this stage, it would not be appropriate to permit the petitioner to file the counter claim which would result in a de-novo trial.

3. Keeping in view the aforesaid facts, no ground to interfere is made out.

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

July 25, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO