

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

146

2023:PHHC:137278

**CR-3106-2022(O&M)
Date of decision: 20.10.2023**

SURESH BHADANA

..Petitioner

Versus

VIRENDRA BHADANA AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manoj Kumar Sood, Advocate
for the petitioner.

Ms. Ruchi Gupta, Advocate
for respondents. (Through video conferencing)

ANIL KSHETARPAL, J(Oral)

1. The attempt made by the petitioner to get a consent order modified from the Court has been rejected by the trial Court. A civil suit between husband and wife is pending before the trial Court.
2. On 07.03.2022, the petitioner-wife made the following statement on oath:-

*“Statement of defendant No.1 Smt. Suresh Bhadana, Age 43 years W/o Sh. Virendra Bhadana, R/o H.No.J/28, Shiv Durga Vihar, Lakkarpur, Faridabad.
Stated that the plaintiff is my legally wedded husband and we were both residing in H.No.J/28, Shiv Durga Vihar, Lakkarpur, Faridabad. The dispute in the instant case is regarding the occupations of this house. I am in possession of two rooms situated on the Western side of the house and there are three other rooms on the Eastern side of the property. I have no objection, of the plaintiff occupies those three rooms. Since, the marital relationship between the parties is not cordial. I shall not interfere in his possession of three rooms and likewise, he shall also be directed not to interfere in my possession.”*

3. Pursuant to the aforesaid statement, the Court directed that the husband shall be allowed to enjoy possession of three rooms located on the Eastern side of the property. Subsequently, she made a request for

modification of the order on the ground that the aforesaid statement was made inadvertently. On a perusal of the statement made by the petitioner along with the order passed by the Court on the same date, it is evident that the petitioner made a statement in the presence of her counsel.

4. Moreover, it is evident that there are five rooms built on the property, whereas, she has categorically stated that she is residing in the two rooms located on the Western side of the house and she has no objection if the husband enjoys possession of remaining three rooms located on the Eastern side of the property.

5. In such circumstances, the order passed by the trial Court does not require any interference. The statement made in the Court is required to be adhered to and the parties cannot be permitted to easily contradict the statement already made before therefrom.

6. With these observations, the revision petition is dismissed.

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

October 20th, 2023

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**(ANIL KSHETARPAL)
JUDGE**

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