

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CR No.588 of 2024  
Date of Decision: 02.02.2024

Muneet Malhotra  
.....Revisionist-Petitioner.  
  
Versus  
  
Meena Malhotra (now deceased) through her LRs and others  
.....Respondents.

**CORAM:    HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

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Present:-     Mr. Sarbjit S. Khaira, Advocate  
                     for the revisionist-petitioner.

**MEENAKSHI I. MEHTA, J.**

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-defendant No.2 (here-in-after to be referred as ‘defendant No.2’) has assailed the order (Annexure P-1) passed by learned Civil Judge (Junior Division), Batala (for short ‘the trial Court’) on 01.12.2023 in *Civil Suit No.1023 of 2015* titled as ‘*Meena Malhotra Versus Vineet Malhotra and others*’, whereby the application (Annexure P-2), moved by him for seeking permission to file the amended/additional affidavit in the evidence of the defendants, has been dismissed.

2.             I have heard learned counsel for the petitioner-defendant No.2 in the present revision-petition, at the preliminary stage and have also gone through the file carefully.

3. Learned counsel for defendant No.2 contends that in para No.4 (on merits) in the Written-Statement filed by defendants No.1, 2 & 4, they have denied the factum of Om Parkash, the father of defendants No.1 to 3 and the husband of defendant No.4, having constructed two rooms on the lintel, as laid over six pillars raised in the suit property but in the affidavit tendered by defendant No.2 while appearing as DW1 in the above-referred Civil Suit, the words "*it is denied*" could not be mentioned due to the typographical error and therefore, defendant No.2 (DW1) intends to file his additional/amended affidavit after rectifying the afore-discussed error but vide the impugned order, the trial Court has wrongly declined the above-said application (Annexure P-2) as moved by him for this purpose and in these circumstances, it becomes explicit that the said order is not legally sustainable and hence, the same deserves to be set-aside.

4. However, the afore-raised contentions are devoid of any merit because in para No.3 in the impugned order, the trial Court has specifically observed that during his cross-examination as DW1, defendant No.2 has stated that before tendering his affidavit Exhibit DW1/A in the evidence, he had read the same, including the contents of its para No.12 wherein he has deposed that "*Om Parkash now deceased with ours i.e. defendant No.1 & 2 raised the construction and constructed six pillars and put the lenter over it*" and that the said contents of his affidavit were correct. Thus, it becomes crystal clear that instead of advancing any cogent and plausible explanation qua the alleged typographical error in para No.12 of his above-mentioned affidavit during his cross-examination, defendant No.2 (DW1) has, rather,

made depositions regarding the correctness thereof. In these circumstances, it does not lie in his mouth to ask for the permission to amend his affidavit or to file the additional affidavit, as prayed for in the afore-said application.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

**February 02, 2024**  
Yag Dutt

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

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