

2018 PLRonline 1101

PUNJAB AND HARYANA HIGH COURT

Before: Justice Kuldip Singh, J.

SEEMA RANI – Petitioner,

Versus

KULDIP SINGH and another – Respondents.

CR No.1228 of 2018 (O&M)

21.02.2018

Pleadings – Replication – The issues were framed on 14.08.2017 – . Thereafter, the case was fixed for evidence of the plaintiff – Then at the stage of the evidence of the plaintiff, the replication was allowed to be filed vide order dated 21.09.2017 – It was thereafter that the application for discarding the replication was filed – The initial order dated 21.09.2017, taking the replication on record has not been challenged – The present petitioner has challenged the order, vide which the Court refused to recall the earlier order – Merely the pleadings have been completed. Though it may be irregularity but there is no illegality to take the replication at the later stage.

Mr. Kashish Garg, for the petitioner.

KULDIP SINGH J. (ORAL) – Impugned in the present revision petition is the order dated 08.01.2018 (Annexure P-6) passed by learned Civil Judge (Jr. Divn.), Bathinda, vide which the application filed by defendant No.2 for discarding the replication filed after the framing of the issues and at the stage of evidence of the plaintiff, has been dismissed.

2. Heard.

3. It comes out that the replication was not filed at the appropriate stage. The issues were framed on 14.08.2017. Thereafter, the case was fixed for evidence of the plaintiff. Then at the stage of the evidence of the plaintiff, the replication was allowed to be filed vide order dated 21.09.2017 and the copy thereof was supplied to the opposite counsel. It was thereafter that the application for discarding the replication was filed. The initial order dated 21.09.2017, taking the replication on record has not been challenged. The present petitioner has challenged the order, vide which the Court refused to recall the earlier order.

4. In this case, merely the pleadings have been completed. Though it may be irregularity but there is no illegality to take the replication at the later stage. Therefore, there is no ground to interfere in the impugned order.

5. As such, the present revision petition is dismissed.

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