

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

Civil Revision No.1280 of 2015

Date of decision: 11.08.2015

Umesh Gupta

.... Petitioner

versus

Harish Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sherry K. Singla, Advocate,
for the petitioner.

Mr. Ravinder Malik, Advocate,
for respondents 1 to 3.

K.Kannan, J. (Oral)

1. It is a case where the defendant originally took a plea that he did not execute an agreement at all and now wants an amendment to be received where he has admitted the execution of the agreement, admitted the receipts but would only challenge the readiness and willingness of the plaintiff. If the change in version had taken place of a person who admitted his document and later wanted to bring an amendment denying the execution, it would have caused a very serious prejudice, for, it would amount to withdrawing from an admission. In this case, the earlier statement was a denial of execution and now an amendment is sought for bringing the truth in court by admitting execution. No prejudice could be caused to the plaintiff.

2. For the sheer indiscretion of the defendant in coming with irresponsible defence originally, I impose a cost of ₹20,000/- against the petitioner and direct the same to be paid within a period of 6 weeks. The order impugned is set aside and the amendment is ordered to be allowed with the condition as mentioned above.

3. Civil revision stands disposed of on the above terms.

(K.KANNAN)
JUDGE

11.08.2015
sanjeev