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

CR No.2478 of 2015

Date of decision: April 23, 2015

Parminder Singh and others

.....Petitioners

Versus

Amarjeet Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Mayank Thakur, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the order dated 10.05.2014, whereby application moved by the petitioners under Order 6 Rule 17 of Code of Civil Procedure, 1908 ('CPC' for short) for permission to amend the written statement, was dismissed.

I have heard learned counsel for the petitioners and have gone through the record available on the file carefully.

Order 6 Rule 17 CPC reads as under:

“17. Amendment of pleadings - *The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:*

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.”

A perusal of Annexure P-4 application under Order 6 Rule 17 CPC filed by the petitioners reveals that the case of the petitioners was that their earlier counsel had omitted to mention in the written statement the basis of their title qua suit land bearing Khasra No.481(5-5) and 482 (5-13) measuring 10 bighas 18 biswas situated in village Ucha Gaon, Tehsil and District Patiala. By way of amendment, petitioners wanted to explain as to how they had become owners of the said land, and further wanted to clarify the plea of their ownership by way of adverse possession.

In the present case, plaintiffs have filed suit for possession. Petitioners have been arrayed as defendants No.124 to 127. Petitioners alongwith their co-defendants had filed their written statement. After the conclusion of the plaintiffs' evidence, the case is now listed before the trial court for defendants' evidence. At this stage, petitioners moved the application for permission to amend the written statement. Since now the plea sought to be incorporated by the petitioners by way of amendment was already in their knowledge and the application for amendment of the written statement has been filed after a long delay and after the trial had already commenced, the trial Court in view of Order 6 Rule 17 CPC, rightly held that the application moved by the petitioners for permission to amend the written statement, was liable to be dismissed.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

April 23, 2015

m.singh