

**CR-2633-2015 (O&M)**

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

**CR-2633-2015 (O&M).  
Decided on: April 28, 2015.**

**Samay Singh**

**... Petitioner(s)**

**VERSUS**

**Ramjas and others**

**.. Respondent(s)**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

**PRESENT Mr.Om Parkash Sharma, Advocate,  
for the petitioner.**

**M.M.S. BEDI, J (ORAL).**

The defendant-petitioner seeks to wriggle out of the admissions made regarding execution of the agreement of sale on the basis of which plaintiffs-respondents has filed a suit for specific performance.

I have gone through the written statement filed by the petitioner wherein he has already taken up a stand that the agreement of sale is a document which suffers from the vice of fraud and that it had never been scribed on the instructions of the defendant petitioner. The plaintiff-respondent has already been examined in chief, The defendant- petitioner's Advocate has already cross-examined the witness and the tenor of the cross-examination indicates that the execution of the agreement of sale dated 25.6.2005 has been claimed to be false and fictitious document

prepared fraudulently.

I have gone through the application under Order 6 Rule 17 CPC, seeking amendment of the written statement. Certain additional pleas in support of the plea of plaintiffs having not performed alleged part of the contract are sought to be incorporated. All these pleas were absolutely available to the defendant- petitioner at the time when written statement was originally filed. The amendment has been sought after commencement of the proceedings at belated stage. The suit can be effectively adjudicated upon on the basis of the pleadings already taken by the defendant- petitioner. The amendment has been sought at a belated stage and it is not established that despite due diligence, the defendant- petitioner could not have raised the pleas before the commencement of trial.

No ground is made out for interference in the order dismissing the application seeking amendment of written statement.

The revision petition is dismissed.

**April 28, 2015.**  
**rka**

**(M.M.S. BEDI)**  
**JUDGE**