

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

CR No.2719 of 2012 (O&M)

Date of decision : 03.12.2015

Kaushlya Devi

...Petitioner

Versus

Sadhu Singh (deceased through LRs)

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. K.K. Goel, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Learned counsel for the petitioner is aggrieved of the order, whereby the application seeking amendment of the plaint by incorporating following proposed amendment has been declined:-

“a) That in para 5 of legal objections at Sr. No.13 after nothing is due, the plaintiff executed a writing for settlement of the entire accounts. In connection with sale of the crops to the defendant, a receipt of the entire amount was executed on 10.05.2005 in the presence of the witnesses and the same was handed over to the defendant.

b) That in para No.10 of parawise reply at Sr. No.17, copy of the photostate receipt is attached. After that plaintiff executed a writing in favour of defendant for

settlement of the entire account and for receipt of entire money for sale of his crops and executed a receipt/writing dated 10.05.2005 in the presence of witnesses. In this way nothing is due towards the defendant of the plaintiff for the sale of his crops.”

Mr. K.K. Goel, learned counsel appearing on behalf of the petitioner-defendant submits, that by virtue of the amendment, the petitioner wanted to incorporate the pleadings with regard to the receipt dated 10.05.2005 vide which the entire amount allegedly claimed in the suit for recovery had been paid of, therefore, such amendment is essential and necessary for the adjudication of the suit/lis between the parties.

Notice of this revision was issued to the respondent. Despite service no one has put in appearance which has already been noticed by this Court in previous order.

I have heard learned counsel for the petitioner-defendant and appraised the paper book.

The trial Court has declined the application on the ground that application for amendment has been moved at a belated stage i.e. when the evidence of the respondent-plaintiff had closed. The law of amendment vis-a-vis the plaint and written statement is totally different. For the purpose of seeking amendment of the written statement, Court should be more liberal vis-a-vis the plaint.

In my view, incorporating the proposed amendment is essential and necessary for the adjudication of the suit as it would help the Court in deciding the controversy more pragmatically subject to the proving of the execution of the aforementioned receipt.

Keeping in view the aforementioned reasons, impugned order is hereby set aside. Application filed under Order 6 Rule 17 CPC is allowed. The petitioner-defendant is permitted to cause amendment in the written statement.

Revision petition is allowed.

03.12.2015

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**(AMIT RAWAL)
JUDGE**