

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5929 of 2015(O&M)
Date of decision : September 10, 2015

Darshan Singh alias Gurdarshan Singh

..... Petitioner

Versus

Sukhdev Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. I. S. Brar, Advocate
for the petitioner.

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 3.7.2015 whereby an application filed on behalf of the respondent-defendant to seek amendment in the written statement has been allowed.

Learned counsel for the petitioner-plaintiff submits that the respondent-defendant had filed a written statement on 11.8.2014 and the application for amendment of the written statement was filed on 30.1.2015 when the case was listed for the evidence of the plaintiff and therefore, once the trial had taken place, the application should not have been allowed. Therefore, there is illegality and perversity in the impugned order.

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

The amendment sought, in my view, would not change the nature of the defence already taken in the previously un-

amended written statement as the respondent-defendant wants to incorporate certain paragraphs in the written statement, which would not come in petitioner-plaintiff's way while leading evidence in the affirmative, when such evidence is beyond pleadings.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits.
Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

September 10 , 2015
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