

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 7015 of 2009
Date of Decision: 12.3.2015.**

Pavitar Singh

.....Petitioner

Versus

Vijay Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Surinder Sharma, Advocate
for the petitioner.

None for the respondent.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 24.9.2009 (Annexure P-4) whereby application moved by the respondent under Order 6 Rule 17 of the Code of Civil Procedure, 1908 ('CPC' for short) for permission to amend the written statement, was allowed.

Learned counsel for the petitioner has submitted that now by way of amendment, respondent wanted to take a contradictory stand. Therefore, the amendment sought by the respondent in the written statement, was liable to be disallowed.

Trial Court while allowing the application moved by the respondent under Order 6 Rule 17 CPC, has held as under:-

“Perusal of the written statement shows that the written

statement already filed by the defendant which is dated 29.3.2005, defendant in para No. 1 denied the factum that plaintiff was Chartered Accountant but now he wants to admit that the plaintiff was working as Chartered Accountant with the defendant firm. In para No. 2, there is no change and in para No. 3 defendant denied that he has hired the services of the plaintiff, but now he wants to admit that he hired the services of the plaintiff as Chartered Accountant. In para No. 5, in the earlier written statement, he denied for want of knowledge regarding receiving of letter in the month of January, 2002. Now, he wants to deny the fact positively. In para No. 7, in the proposed written statement, he denied the factum for want of knowledge. Now he denied it positively. In para No. 8, in the proposed written statement, he denied this paragraph as wrong and incorrect. Now, he wants to add that the defendant had placed all the documents before the plaintiff regarding export of goods for the purpose of making appropriate application with the Joint Director. In para No. 9 of the previous written statement, it was denied and incorrect. Now, he wants to add that all the benefits on the acceptance of application were to be allowed to the defendant by the authority. In para No. 10 in the previous written statement wrong and denied again. Now he wants to deny the fact as incorrect. So, keeping in view both the written statements, previously defendant denied the services of plaintiff with the

defendant firm. Now, he wants to admit. The plaintiff also alleged that he was working as Chartered Accountant with the defendant firm and it is specifically alleged that he was rendering the professional services to the defendant. Some facts now the defendant wants to admit. So, the amendment sought by the defendant in the written statement do not cause any prejudice to the case of the plaintiff.

The arguments of learned counsel for plaintiff that amendment of written statement after framing of issues cannot be allowed, is considered and find myself unable to agree with him because amendment sought by the defendant in the present case would not change the nature of the case, rather he wants to add the admission and held the case of the plaintiff regarding his engagement with the defendant firm. Hence, the application is allowed, subject to costs of Rs. 1000/-”

The reasons given by the Trial Court while allowing the amendment application, are sound reasons. In fact, initially respondent had denied certain contentions made in the plaint but now by filing the amended written statement, respondent wanted to admit certain contentions raised in the plaint. Although, the amendment of the written statement had been sought by the respondent at a stage when the plaintiff evidence had started but the fact remains that now by way of amendment, respondent wants to admit certain contentions made in the plaint. In these circumstances, the impugned order being a just order, is liable to be upheld.

No ground for interference is made out.
Dismissed.

(SABINA)
JUDGE

March 12, 2015
Gurpreet