IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.6890 of 2015
Date of Decision: December 14, 2015

Tarlochan Singh

...Petitioner

Versus

Baldev Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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

Present: Mr.Arvind Kashyap, Advocate,
for the petitioner.

Mr.Balbir Singh Saini, Advocate,
for respondent No.1.

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AMIT RAWAL, J. (Oral)

The petitioner-defendant is aggrieved of the order dated 5.8.2015, whereby the application seeking amendment of the written statement at the stage when the suit was fixed for respondent-plaintiff's evidence, has been declined.

Mr.Arvind Kashyap, learned counsel appearing on behalf of the petitioner submits that the amendment sought to be incorporated in the written statement will not alter or change the nature of the stand taken in the written statement. However, the trial Court has declined the amendment on the ground that the trial has already begun.

Mr.B.S.Saini, learned counsel appearing on behalf of the respondent-plaintiff submits that there is no illegality and perversity in the impugned order. The amendment sought tantamounts to changing the nature

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of the defence taken in the written statement, much less cannot be permitted in view of the amended provisions of the Code of Civil Procedure.

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

It would be apt to reproduce the amendment sought to be incorporated in the end of paragraph 1 of the written statement, which reads thus:-

> "*The plaintiff is also owning his share in the village within redline towards the suit property shown in the site plan, hence plaintiff intentionally did not included his property in the plaint to hide the true facts from honourable court."*

On going through the amendment sought in the written statement, I am of the view that the aforementioned amendment in a suit for partition will not alter the stand of nature or defence taken in the written statement, rather it would facilitate the Court in adjudication of the lis between the parties. As per the stand taken by the petitioner in the amended written statement, the property is situated within the Lal Lakeer.

Keeping in view the aforementioned facts, the impugned order is hereby set-aside and the application seeking amendment of the written statement is allowed.

Revision petition stands allowed.

December 14, 2015 **(AMIT RAWAL)**
ramesh **JUDGE**

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