

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

**CR No.6980 of 2013 (O&M)
Date of decision: 11.12.2015**

Jugraj Singh

... Petitioner

versus

Bakshish Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sarju Puri, Advocate for the petitioner.

Mr. Vikas Bahl, Senior Advocate with
Mr. Nitish Garg, Advocate for respondent No.2.

K.Kannan, J.

The revision petition is against the order allowing the amendment to the written statement to the far end of the trial. The defendant who had originally filed the statement denying any knowledge of the plaintiff was prepared to make a statement as regards the sale in which the plaintiff and other persons were the parties and set out specific circumstances under which two documents P9 and D3, which had already been on record, were executed. The trial Court allowed the amendment to the written statement to be filed.

The grievance is that in terms of the amended provisions of Order 6 Rule 17 CPC, the fact which was already known and which fact would have been known by the exercise of due diligence could not be brought by means of amendment. The relevance of the transactions are also not set forth in the application for amendment.

I find the fallibilities existing as pointed out by the counsel for the petitioner, but I will give an extra yard to the written statement filed by the defendant to amend the same, if documents are already on record and the written statement explains the transactions by greater

elaboration. If the defendants had already stated, they did not know the plaintiff and they had to smart their own statement by an admission that the plaintiff and others have sold the property, it would enable the Court to know what the truth is and if the defendant did not persist in the falsity, so much better for the trial.

For the sheer indiscretion of the defendant to modify the application for amendment till after the conclusion of the trial, I impose costs of Rs. 15,000/- against the defendant which shall be paid to the plaintiffs or the counsel within a period of two weeks.

The order passed already is maintained and the revision petition is dismissed but subject to the modification as to costs.

(K.KANNAN)
JUDGE

11.12.2015
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