

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 6876 of 2014
Date of Decision: 21.4.2015.**

Siri Ram Gupta

.....Petitioner

Versus

Ram Prakash and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sanjay Vij, Advocate
for the petitioner.

Mr. Sanjay Verma, Advocate
for the respondents.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 5.9.2014 (Annexure P-1) whereby application moved by the the petitioner for permission to amend the written statement, was dismissed.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Respondent No. 1 has filed suit for specific performance of agreement to sell in question. On the pleadings of the parties, issues were framed by the Trial Court. During cross-examination of the plaintiff, receipt Exhibit D-1 dated 24.6.2007 was put to him. However, the said receipt was not pleaded by petitioner-defendant No. 1 in his written statement. After the close of plaintiff evidence, the case was adjourned for evidence of the defendants. Thereafter,

the application was moved by the petitioner to amend the written statement. The learned Trial Court rightly dismissed the application moved by the petitioner for permission to amend the written statement as the receipt now sought to be pleaded in the written statement, was already in the knowledge of the petitioner at the time of filing of the written statement. The Trial Court shall decide the case on the basis of evidence led by the parties.

Hence, no ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

April 21, 2015
Gurpreet