

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT  
CHANDIGARH

Civil Revision No. 7329 of 2012

Date of Decision: 26.03.2015

Mal Singh through his legal heir

.....Petitioner

Vs.

Jagroop Singh and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. Gurinder Singh Punia, Senior Advocate, with  
Ms. Mandeep Kaur, Advocate,  
for the petitioner.

Mr. Amarjit Markan, Advocate,  
for respondents No. 1 to 9.

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**SABINA, J.**

Petitioner has filed this petition challenging the order dated 19.11.2012, whereby application moved by Mal Singh (since deceased) for permission to amend the written statement, was dismissed.

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

Respondents No. 10 and 11 have filed suit for declaration challenging the sale deed dated 27.12.2002, executed by their father Mal Singh (since deceased) in favour of respondent No. 1-Jagroop Singh. Initially Mal Singh (since deceased) had filed joint written statement with respondent No. 1. However, Mal Singh (since deceased) moved an application on 17.11.2005, under Order 6 Rule 17 of the Code of Civil Procedure (in short 'CPC') for permission to amend the written statement. The case of Mal Singh (since deceased) was that he had been made to sign the written statement by respondent No. 1 and had not gone through the contents of the same and he

wanted to file his separate written statement. A perusal of the interim order reproduced in the grounds of petition dated 25.09.2006 reveals that the plaintiffs had not opposed the application. Rather the application was opposed by respondent No. 1. Trial Court while dismissing the application was influenced with the fact that the application had not been pressed, till the case had reached the final stage. It has transpired, during the course of arguments that the petitioner had been perusing the application. Moreover, the application had not been opposed by the plaintiffs and the same was liable to be allowed. During the course of arguments, learned senior counsel for the petitioner has submitted that the amended written statement is already on record and the legal heir of deceased Mal Singh does not want to lead any fresh evidence in support of the amended written statement nor wants to claim any fresh issue after amendment of the written statement. Since in the present case, petitioner will not lead any fresh evidence after amendment of the written statement and will not claim any fresh issue on the basis of the amended written statement, it would just and expedient to allow the application, moved by the petitioner for permission to amend the written statement, particularly when the same was not opposed by the plaintiffs.

Accordingly, this petition is allowed. Impugned order dated 19.11.2012 is set aside. Consequently, application moved by the petitioner under Order 6 Rule 17 CPC is allowed. However, It is clarified that the petitioner will not be permitted to lead any evidence or claim any additional issue on the basis of amendment in the written statement. It is also clarified that any observation made in this order will have no bearing on the merits of the case.

**(SABINA)**  
**JUDGE**

March 26, 2015

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