

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

CR No. 1055 of 2016

Date of Decision:- 11.02.2016

Sat Narain Sharma

...Petitioner

Versus

Sham Lal Setia and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present:- Mr. Arun Kumar Singla, Advocate,
for petitioner.

SHEKHER DHAWAN, J.

Present petition under Article 227 of the Constitution of India for setting aside order dated 30.01.2016 (Annexure P-5) passed by Civil Judge (Jr. Div.), Panipat vide which the application under Order VI Rule 17 CPC for amendment of written statement was dismissed.

Learned counsel for petitioner submitted that in the written statement, plea was taken that no such agreement was ever executed by the present petitioner and the same was a result of fraud. However, the petitioner could not take the plea that signatures were obtained under good faith though, he had made the statement before police on 18.12.2013 and written statement was filed. Petitioner wanted to take that plea which has been declined by the Court below.

Having considered the submissions made by learned counsel for petitioner and order dated 30.01.2016 (Annexure P-5) passed by Court below, this Court is of the considered view that the proposed amendment is most relevant and essential for just decision of the case. Though, petitioner should have been vigilant while taking such a plea at the time of filing of

written statement. Law on the point is settled that rules of procedure are meant for advancement of justice and not to create obstacles. More so, parties should be allowed to take all the pleas in the litigation and amendment should be allowed before the trial Court to place all the material and evidence available with them. The case is still at the initial stage.

In view of the above, present petition is accepted and order dated 30.01.2016 is set aside subject to cost of ₹ 5,000/-.

February 11, 2016
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(SHEKHER DHAWAN)
JUDGE