

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

CR No.151 of 2016
Date of decision : 25.07.2016

Prem Kaur

...Petitioner

Versus

Bhajan Singh Bhatoa and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Gurinder Pal Singh, Advocate for the petitioner.

Mr. Kunal Dawar, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

The petitioner-defendant is aggrieved of the impugned order, whereby application seeking amendment of the written statement for replacing the khasra No.1710 in place of khasra No.1712, has been dismissed.

Mr. Gurinder Pal Singh, learned counsel appearing on behalf of petitioner submits that suit is at the stage of the defendant's evidence. No prejudice would be caused as the respondent-plaintiff would be given opportunity to cross-examine the defendant and urges this Court for setting aside of the impugned order.

Mr. Kunal Dawar, learned counsel appearing on behalf of respondent No.1 submits that defendant should have been diligent in seeking the amendment. Trial has already begun. In fact, it amounts to withdrawal of the admission, which is not permissible and urges this Court for affirmation of the findings under challenge.

I have heard learned counsel for the parties and appraised the paper book and of the view that parameters for allowing the amendment in the plaint and the written statement are totally different. Amendment sought to be incorporated in my view is most innocuous and simple, inasmuch as that, instead of khasra No.1712, petitioner-defendant wants to incorporate khasra No.1710 which is in consonance with the revenue record. Such defect if rectified would prevent complication at the final stage. Moreover, the suit is at the stage of the defendant's evidence, therefore, respondent-plaintiff would have full opportunity to cross-examine in this regard.

Accordingly, order under challenge is set aside.

Revision petition is allowed.

Application for amendment in the written statement is allowed.

25.07.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned: Yes

Whether reportable:- Yes/No