

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.2590-2012 (O&M)
Date of decision: December 02, 2016

Mohinder Singh and others ...Petitioners

Versus

Jaswant Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vishal Aggarwal, Advocate for the petitioners.
Mr. B.S. Sidhu, Advocate for respondent No.1.
None for respondent No.4.

Rajan Gupta, J.

Present revision is directed against the order dated 28.02.2012 (Annexure P-2), passed by the trial court, whereby application U/O 6 Rule 17 CPC filed by the petitioners for amendment of written statement has been rejected.

Learned counsel for the petitioner has assailed the order. He submits that there are certain subsequent events which are necessary to be incorporated in the written statement. As per provisions of Order 6 Rule 17 CPC, application for amendment can be allowed at any stage. He relies upon judgment reported as *State Bank of Hyderabad vs. Town Municipal Council, 2007 (1) R.C.R. (Civil) 416*.

Plea has been opposed by learned counsel appearing for respondent No.1. According to him, application was not maintainable as same was contrary to provisions of Order 6 Rule 17 CPC as suit was instituted on 12.12.1997 and now it was fixed for defendants' evidence.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, plaintiff/respondents filed a suit for permanent injunction for restraining defendants No.1 to 3/petitioners from installing and running a Dharam Kanta abutting the link road without any licence or permission of the concerned authority and also for restraining defendant No.4 from granting any permission for installation of the same. A perusal of records shows that suit was instituted on 12.12.1997 and written statement was filed on 27.01.1999. Plaintiffs' evidence was concluded in the year 2008. At the stage of defendants' evidence, petitioner/defendants moved instant application for amendment of written statement, when the case was nearing its culmination. The trial court dismissed the same. In my considered view, trial court has rightly rejected the plea for amendment. I find no legal infirmity with the order. The judgment in *State Bank of Hyderabad's case (supra)* is not applicable to the facts of the instant case, as it appears, application has been filed merely to delay the proceedings further. Same have been pending since the year 1997. The revision petition is, thus, without any merit and is hereby dismissed.

As the proceedings have been unduly delayed, trial court would endeavour to conclude the same expeditiously.

(RAJAN GUPTA)
JUDGE

December 02, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No