

IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

**CR No.2889 of 2013(O&M)
Date of Decision: 30.3.2016**

Ved Parkash

.....Petitioner

Versus

Tek Chand

....Respondent

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sachin Mittal, Advocate for the petitioner.

Mr. C.B.Goel, Advocate for the respondent.

* * * *

Darshan Singh, J.

The present revision petition has been preferred against the order dated 10.4.2013 passed by the learned Civil Judge (Jr. Division), Nuh, vide which the application moved by the respondent for amendment of the written statement has been allowed.

2. Learned counsel for the petitioner contended that the application for amendment of the written statement has been moved by the respondent at the fag end of the trial which has resulted in prejudice to the rights of the petitioner. These facts were already in the knowledge of the respondent. He further contended that now the petitioner will not be able to rebut the averments made in the amended written statement and to rebut the evidence. In the alternative, he contended that the petitioner may be allowed to file a replication to the amended written statement and to adduce evidence in rebuttal to the evidence of the respondent-defendant with respect to the newly added averments in the written statement by way of amendment.

3. Learned counsel for the respondent contended that the amendment sought in the written statement was only of explanatory in nature. The defendant has already taken the plea that the plaintiff has concealed the material facts. Only those facts have been detailed by way of amendment. He further contended that he has no objection if the petitioner is allowed an opportunity to file the replication to the amended written statement and to lead the evidence in rebuttal to the evidence of the respondent.

4. The aforesaid submission has been made duly considered. As the amendment sought by the respondent in the written statement was only explanatory in nature and vide this amendment the defendant has only detailed the facts which were allegedly concealed by the plaintiff in the plaint. So, no fault can be found with the impugned order allowing the amendment in the written statement. However, in order to safeguard the interest of the plaintiff-petitioner, the learned trial Court will permit the plaintiff-petitioner to file the replication to the amended written statement and to lead the evidence in rebuttal to the evidence of the defendant with respect to the amended pleadings in the written statement.

5. The present revision petition stands disposed of accordingly.

March 30, 2016
ps

(DARSHAN SINGH)
JUDGE