

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 3232 of 2015 (O&M)

Date of decision : February 8, 2016

Amarjit Singh

..... Petitioner

Versus

Lal Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Chandra Kumar Jha, Advocate
for the petitioner.

Mr. Parminder Singh Sekhon, Advocate
for the respondent.

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

Amit Rawal, J (oral).

The petitioner-defendant is aggrieved of the order whereby application seeking indulgence of the trial court to incorporate the subsequent event has been dismissed.

Learned counsel for the petitioner submits that the written statement was filed on 11.11.2011 whereas during the pendency of the suit, alleged compromise was effected on 30.10.2013 whereby the respondent-plaintiff had paid the sum, thus, being subsequent event the aforementioned fact was sought to be incorporated in the amendment at the stage when the suit was listed for defendant's evidence.

Learned counsel for the respondent-plaintiff submits that it will completely tantamount to withdrawal of the admission. The execution of receipt has seriously been disputed. Rightly so, the

application for amendment has been dismissed.

I have heard learned counsel for the parties and appraised the paper book.

The receipt dated 30.10.2013 shall be subject to mode of proof but the fact remains that it is a subsequent event and after filing of the written statement dated 11.11.2011, particularly when the case is listed for petitioner-defendant's evidence. I am of the view that such type of amendment should be allowed to be incorporated as it would help the court in adjudication of *lis* between the parties subject to mode of proof of the receipt. The respondent-plaintiff would have right to cross examine the witness of the receipt in rebuttal.

The impugned order is set aside. The application for amendment is allowed. The trial court is directed to expedite the trial of the suit.

The revision petition with the aforementioned observations stands allowed.

(AMIT RAWAL)
JUDGE

February 8 , 2016
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