

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

**CR No.3422 of 2016
Decided on: 16.05.2016**

Rupinder Kumar Soni

....Petitioner

Versus

Ramesh Kumar Soni and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Saurabh Kaushik, Advocate
for the petitioner.

REKHA MITTAL, J.

The present petition has been directed against order dated 13.10.2015 (Annexure P-7) passed by the Civil Judge (Jr. Division), Patiala, allowing application under Order 6 Rule 17 read with Section 151 CPC for amendment of the written statement filed by the respondents/defendants.

Counsel for the petitioner would contend that application for amendment has been allowed by the trial Court without filing of reply by the petitioner/plaintiff, therefore, the impugned order may be set-aside and the petitioner may be allowed one opportunity to file reply to the application and thereafter, the same may be disposed of by the trial Court, in accordance with law. It is further submitted that by way of the proposed amendment, the respondents/defendants have virtually changed their defence version in its entirety and the same cannot be allowed.

I have heard counsel for the petitioner and perused the paperbook particularly the order impugned.

Counsel for the petitioner has not disputed that the petitioner/plaintiff failed to file reply to the application for amendment of the written statement despite more than five opportunities granted for the purpose. Counsel for the petitioner is not in a position to point out an error in the order passed by the trial Court so far as disposing of the application without waiting further for reply by the petitioner.

Counsel for the petitioner is fair enough to concede that the proceedings are still at initial stage. The petitioner is still to file replication and thereafter issues may be framed. As per settled position in law, law regarding amendment of the written statement is more liberal than that of the plaint. Equally settled is that at the stage of deciding an application for amendment of the pleadings, the Court cannot examine merits of the facts sought to be added by way of amendment. There is no denial that amendment of the pleadings can be allowed at any stage of the proceedings. Keeping in view the aforesaid facts and circumstances and the settled principles in law, I do not find any reason to interfere in the impugned order.

For the foregoing reasons, the petition sans merit and is accordingly dismissed with no order as to costs.

16.05.2016
yakub

(REKHA MITTAL)
JUDGE