

222.

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

Civil Revision No.4697 of 2014 (O&M)

Date of decision:19.01.2016

Dr. Neeraj Kumar Gaur

... Petitioner

versus

Balpreet Singh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Shilak Ram Hooda, Advocate,
for the petitioner.

Mr. K.S. Sidhu, Senior Advocate,
with Mr. G.S. Benipal, Advocate,
for the respondents.

K.Kannan, J. (Oral)

CM No.14454-CII of 2014

Application is allowed, as prayed for. Written statement
(Annexure P4) is taken on record.

Civil Revision No.4697 of 2014

1. A mistake which the defendant claimed as typographical, the plaintiff was not prepared to accept as typographical since it changed the character of an admission. I allow the objection of the plaintiff to prevail and would allow also the defendant to explain the so-called typographical error in the evidence. An amendment cannot be permitted in such a way that

will completely efface a clear admission in the statement already filed. If that admission is erroneous and it would require to be explained, such an explanation is possible within the parameters of the written statement already contained in paragraph 6. The controversy has been on an issue of whether the plaintiff approached the defendant again and paid ₹2,50,000/- on 18.07.2006 to the defendant or not. The defendant has stated in one line that the plaintiff never approached him on 18.07.2006 and has stated in the subsequent line that he approached him and paid him ₹2,50,000/-. There are inconsistencies already available in the original statement and the defendant can explain his own inconsistency in whatever way he thinks it appropriate. This is all the liberty that he will have and he will not have the luxury of withdrawing a statement which is already there.

2. The order amending the written statement is set aside and the revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

19.01.2016
sanjeev