

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

C.R. No.5593 of 2016

Date of Decision.30.09.2016

Rahul and others

.....Petitioners

Vs.

Ram Kishan and others

.....Respondents

Present: Mr. Sumit Sangwan, Advocate for
Mr. Ajay Vijarania, Advocate
for the petitioners.

Mr. Pritam Singh Saini, Advocate and
Ms. Monika Arora, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

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AMIT RAWAL J. (ORAL)

The petitioners are aggrieved of the impugned order whereby the application seeking amendment of the written statement incorporating the date of writing of the sale deed as 28.07.2014 instead of 25.07.2014, has been dismissed.

Mr. Sumit Sangwan, learned counsel appearing for the petitioners submits that the aforementioned mistake was due to inadvertence and not intentional. The suit is at initial stage and no prejudice would be caused. The aforementioned amendment does not tantamount to withdrawal of the admission, thus, urges this Court for setting aside the order under challenge.

Per contra, Mr. Pritam Singh Saini, learned counsel appearing for the respondent submits that the document in which the date sought to be incorporated is a registered document which cannot be done through

amendment in the written statement and in such circumstances, the application was dismissed. It is highly improbable that the date of registered document is sought to be amended in the manner and mode indicated above. It is intentional lapse and mistake cannot be said to be due to inadvertence and prays for dismissal of the revision petition.

I have heard learned counsel for the parties and appraised the paper book. Shown of the facts noticed above, the fact remains that the registered document bears the date 25.07.2014 but the contention of the counsel for the petitioners is that the aforementioned document was written on 28.07.2014 and therefore, in this backdrop of the matter, the amendment was sought. I am of the view the registered document carries presumption of truth as per provisions of Section 90 and 91 of the Indian Evidence Act. Since the petitioners-defendants are insisting for amendment taking in view some rational behind it and the so-called explanation has been given in the application, I am of the view that the amendment sought in the application should be allowed.

Keeping in view the aforementioned reasons, the impugned order is set aside and the revision petition is allowed. However, it will be subject to payment of costs of ₹50,000/- as a condition precedent to be paid to Ms. Monika Arora, Advocate junior counsel of Mr. Pritam Singh Saini against valid receipt within one week from the date of receipt of copy of this order, failing which the order already passed by the trial Court shall remain intact.

(AMIT RAWAL)
JUDGE

September 30, 2016

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No