

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

CR No.5716 of 2015 (O&M)
Date of decision : 25.02.2016

Gurcharan Singh and ors.

...Petitioners

Versus

Vikas Gupta and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. S.S. Swaich, Advocate for the petitioners.

Mr. Kunal Dawar, Advocate for respondent No.1.

Manpreet Ghuman, Advocate for respondent No.2.

AMIT RAWAL, J. (Oral)

The petitioner-defendants is aggrieved of the dismissal of the application filed under Order 6 Rule 17 of Code of Civil Procedure at the stage when the suit had reached at the final arguments.

Mr. Swaich, learned counsel appearing on behalf of the petitioner-defendants submits that due to inadvertence and despite exercise of due diligence, term “bonafide purchaser” could not be incorporated in the written statement. It is the said proposed amendment which defendants wants to incorporate, which has been erroneously and perversely declined.

Learned counsel appearing on behalf of respondent No.2 submits that suit has reached at the stage of arguments. Amendment, if allowed, will alter the nature and stand taken in the written statement, much less, tantamounts to denovo trial which is not permissible in the law and urges to this Court for dismissal of the revision petition.

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

I am of the view that amendment sought to be incorporated though is clarificatory in nature but defendant cannot be allowed to lead evidence afresh in support of the aforementioned amendment as it tantamounts to taking away the valuable right accrued in favour of the respondent-plaintiff. Accordingly, the petitioner-defendant is granted liberty to incorporate the proposed amendment in the written statement but precluded from leading afresh evidence.

Findings rendered by the trial Court shall not be construed expression on merits of the matter and shall decide the suit uninfluenced with the findings rendered in the impugned order.

Revision petition in the aforementioned extent is allowed.

25.02.2016

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**(AMIT RAWAL)
JUDGE**