

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

C.R. No.671 of 2016
Date of Decision.03.02.2016

Smt. VeenaPetitioner
Vs.

Tajinder Kaur and anotherRespondents

Present: Mr. Krishan Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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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K. KANNAN J. (ORAL)

1. The defendant who had a weak defence to say that there was no agreement of sale that was executed between the parties to put the 1st defendant's into possession, had a contention to make after the commencement of the trial and after the plaintiff was examined that the 2nd defendant held the property under an agreement of sale from the plaintiff directly and he had parted with ₹3 lacs of the consideration to the plaintiff. This is absolutely a new case which cannot be brought in after the plaintiff was even cross-examined. The amendment which was brought at the belated stage was rightly declined. I will find no reason for interference, even taking note of the fact that it is always open to the Court to be more liberal for the defendant to allow for amendment and also allow even for inconsistent pleas to be taken. If, on the other hand, the contention is brought on an aspect which the defendant very well knew if it was true and it was not taken, it ought not to be

permitted under the amended provisions of Order 6 Rule 17 CPC. The application for amendment which is declined by the Court below was justified and I will find no reason for interference with the same.

2. The revision petition is dismissed.

(K. KANNAN)
JUDGE

February 03, 2016
Pankaj*