

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.7114 of 2016
Date of decision:21.12.2016

Gram Panchayat of village Kheri ... Petitioner

Vs.

Kaur Singh and another ... Respondents

CR No.7153 of 2016

Gram Panchayat of village Kheri ... Petitioner

Vs.

Beera Singh ... Respondent

CR No.6993 of 2016

Gram Panchayat of village Kheri ... Petitioner

Vs.

Beera Singh ... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr.Rakesh Gupta, Advocate and
Mr. Karan Gupta, Advocate
for the petitioner.

Mr. Abhishek Goyal, Advocate
for respondent No.1.

AMIT RAWAL J. (Oral)

This order of mine shall dispose of three Civil Revision
Petitions bearing No.7114, 7153 and 6993 of 2016.

The petitioner-defendant is aggrieved of the impugned order dated 16.09.2016, whereby, the application seeking amendment of the written statement in a suit seeking possession has partly been allowed.

Mr. Rakesh Gupta, Advocate along with Mr. Karan Gupta, learned counsel appearing on behalf of the petitioner-defendant submits that in the aforementioned suit, due to inadvertence and mistaken belief, admission qua title was incorporated. Realizing the aforementioned mistake within a span of four months, in essence, the trial had not commenced, an application for amendment of the written statement was moved but the trial Court permitted only to incorporate the certain preliminary objections but as regards, para on merits, declined the same. He further submits that no harm and prejudice would be caused to the plaintiff as the parameters for amendment of the plaint and written statement are totally different.

Per contra, Mr. Abhishek Goyal, learned counsel appearing on behalf of respondent No.1/plaintiff submits that such an amendment tantamounts to withdrawal of the admission which is not permissible. The suit is based upon the title. Even if the title has been admitted, yet the plaintiff cannot get the relief without proving the same and urges this Court for dismissal of the revision petitions.

I have heard learned counsel for the parties, appraised the paper book and of the view that the order under challenge does not call for any interference. The amendment sought to be incorporated as indicated therein tantamounts to withdrawal of the admission as valuable right has accrued in favour of the respondent-plaintiff. Even the amendment sought does not fall

within the expression “*explanatory in nature*”. Even if the trial had not commenced, such type of application cannot be entertained and rightly so, the same has been declined.

No ground is made out for interference in the impugned order, much less the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petitions stand dismissed.

(AMIT RAWAL)
JUDGE

December 21, 2016
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No