

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.7724 of 2016

Date of decision: November 17, 2016

Bikkar Singh

...Petitioner

Versus

Pritpal Kaushik

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. P.S. Punia, Advocate for the petitioner.

Rajan Gupta, J.

Present revision is directed against the order dated 04.11.2016, passed by the trial court, whereby application U/O 6 Rule 17 CPC filed by the petitioner for amendment of written statement has been rejected.

Learned counsel for the petitioner has assailed the order. He submits that there are certain subsequent events which are necessary to be incorporated in the written statement. As per provisions of Order 6 Rule 17 CPC, application for amendment can be allowed at any stage.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondent/plaintiff filed a suit for recovery of Rs.7,89,000/- against the petitioner/defendant on the basis of pronote and receipt dated 15.01.2010, on the ground that defendant had taken a cash loan of Rs.6.00 lacs from the plaintiff. However, defendant did not repay

the loan and thus, a suit for recovery of the amount along with interest was filed by the plaintiff. After closure of plaintiff's evidence when case was pending for defendant's evidence, instant application was filed by the petitioner/defendant for amendment of the written statement, on the ground that plaintiff affixed the revenue stamps on alleged pronote and receipt and forged the signatures of defendant on the stamps. Trial court has rejected the prayer observing that defendant had already admitted his signatures on the pronote and receipt and the stamp was also well within his knowledge, therefore, defendant cannot be allowed to withdraw his own admission. I find no legal infirmity with the order. Suit was filed on 11.9.2012. Defendant filed written statement on 10.11.2012. Evidence of the plaintiff was closed on 08.01.2016 and despite granting numerous opportunities, defendant has not concluded his evidence. A perusal of records shows that during cross-examination, petitioner/defendant has admitted his signatures on the pronote and receipt. Moreover, the facts mentioned in the instant application are not necessary to be incorporated in the written statement. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

November 17, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No