

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

Civil Revision No. 7856 of 2014

Date of decision: 19.08.2016

Jaspal Singh

-Petitioner

Versus

Mangat Ram

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Randhawa,, Advocate for
Mr. C.K. Singla, Advocate,
for the petitioner.

Mr. Arvind Rajotia, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

The petitioner has assailed the order dated
24.09.2014 Annexure P-5 passed by Additional Civil Judge (Sr.
Division) Patiala vide which prayer for amendment of written
statement was declined.

In a suit for recovery, the stand of the petitioner in the written statement is based on false and fabricated documents. The alleged witnesses are closely related to the plaintiff and are interested witnesses. In elaboration of facts, the petitioner seeks to amend his written statement by introducing Para No. 6 and 7 in the preliminary objection and in Para No. 1 of reply on merits of the written statement. Plaintiff-respondent contested the application and the trial court dismissed the application vide impugned order.

During the course of arguments, learned counsel for the respondents fairly concedes that the petitioner be granted permission to amend his written statement subject to adequate costs and the necessary directions be issued for early disposal of the suit.

I find from the record that the amendment sought by the petitioner is otherwise explanatory in nature. The parameters for amendment of written statement are something different then the amendment of the plaint. Amendment of the written statement is to be liberally construed. Keeping in view the fair stand of the respondent, this petition is allowed, subject to payment of costs of ₹10,000/- payable to the respondent/plaintiff. Payment of cost would be a condition precedent for granting indulgence for amendment of the written statement by the trial Court. The trial Court shall make every

endeavor to decide the suit itself within reasonable time.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

August 19, 2016
sumit

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No