

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

Civil Revision No.1968 of 2017 (O&M)
Date of decision: April 03, 2017

Rekha Rani and another ...Petitioners

Versus

Jagga Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajinder Singla, Advocate for the petitioners.

Rajan Gupta, J.

Present revision petition is directed against the order dated 24.01.2017, passed by the court below, whereby application under Order 6 Rule 17 CPC filed by defendant/respondent for amendment of written statement and to file counter claim, has been allowed.

Learned counsel for the petitioner has assailed the order. According to him, application was not maintainable. Defendant wants to plead new facts by way of proposed amendment and by filing a counter claim. Same could not be allowed by the court below.

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

It appears, petitioners filed a suit for maintenance against respondent Jagga Singh. Defendant appeared and filed his written statement. During the pendency of proceedings, instant application was moved by respondent/defendant for amendment of written statement as

well as filing of counter claim, on the ground that during pendency of suit after filing written statement, plaintiffs have taken possession of the house in suit from him forcibly. After considering rival contentions, trial court has allowed the application. I find no infirmity with the order. Application for amendment was moved at a stage when trial had not commenced. It is alleged that during pendency of proceedings of suit, plaintiffs have taken forcible possession of the said house from the defendant. Thus, the trial court has rightly allowed his application for amendment of written statement and for filing counter claim. Petitioner is not going to be prejudiced by the order. I find no ground to interfere in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 03, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No