

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

(121)

CR-4378-2017 (O&M)

Decided on: July 10, 2017.

Wilson Bhatti

.... Petitioner

Versus

Shekhar Chand

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Hemender Goswami, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Vide order dated 29.04.2017, application for amendment of the written statement, has been dismissed.

It appears that the petitioner wants to incorporate in the written statement a judgment titled J. Samuel and others Vs. Gattu Mahesh and others, 2012, Volume 1 RCR (Civil) 903 claiming that the defendant-petitioner came to learn about the said judgment vide impugned order dated 29.04.2017 vide which an application filed under Order 6 Rule 17 CPC for the amendment of the written statement, has been dismissed.

Learned counsel for the petitioner submits that the defendant wants to make a reference to a judgment and decree dated 30.09.2009 which came to the knowledge of the petitioner during pendency of the proceedings. The trial Court has declined the amendment on the ground that any amendment could be sought before the commencement of the trial as such the petitioner would not be entitled to amend the pleadings.

After hearing learned counsel for the petitioner and going through the nature of the litigation, I am of the opinion that judgment and

decree which is sought to be incorporated in the pleadings, is not inter se the parties but as per counsel it is effective on the rights of the litigating parties. If that is so then the certified copy of the judgment and decree can always be produced during course of evidence to take benefit of the same at opportune time as no prejudice has been caused to the rights of the defendant-petitioner. The circumstances do not warrant any interference.

The petition is dismissed.

(M.M.S. BEDI)
JUDGE

July 10, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No