

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

Civil Revision No.5398 of 2015 (O&M)

Date of decision: February 14, 2017

Harkesh Singh & others

...Petitioners

Versus

Gurcharan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sansar Kundu, Advocate for
Mr. Mandeep Singh, Advocate for the petitioners.

Ms. Pooja Chopra, Advocate for
Mr. Sandeep Chopra, Advocate for the respondent.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 28.7.2015, passed by the trial court, whereby application for amendment of written statement has been allowed. Plaintiff/petitioners is aggrieved by the order and posed a challenge to the same.

It appears, a suit for mandatory injunction was filed by the plaintiffs, directing the defendant to get scribe and executed a registered sale deed as per agreement dated 29.3.2012 in favour of the plaintiffs. Alternatively, amount of Rs.1,20,00,000/- paid by the defendant to the petitioners be directed to be forfeited. Defendant sought to amend certain pleadings in the written statement filed and moved an application under Order 6 Rule 17 CPC. Same has been allowed by the court below. Stand of the respondent is that defendant is yet to lead evidence. Law is well settled on the point that amendment of a plaint and amendment of written statement

are on different footing. Even inconsistent pleas can be taken in the written statement by the defendant.

Under the circumstances, I do not find any infirmity with the order. Proceedings before the trial court are at a stand still in view of interim order dated 11.02.2016, passed by this court. Thus, trial court would endeavour to conclude the trial expeditiously. Petition is hereby dismissed. However, respondent shall be liable to pay Rs.10,000/- as costs to the petitioners.

(RAJAN GUPTA)
JUDGE

February 14, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No