

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

Civil Revision No.7 of 2017 (O&M)

Date of decision: January 10, 2017

Harpreet Singh and another

...Petitioners

Versus

Vaid Rikhi Ram Mehta and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.S. Brar, Advocate for the petitioners.

Rajan Gupta, J.

Present revision petition is directed against the order dated 21.10.2016, passed by the court below whereby application filed by defendant No.2 for amendment of written statement 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 withdrawing earlier submissions. 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 permanent injunction restraining respondents from interfering into their peaceful possession and tenancy right over the property in dispute. Defendants appeared and filed their separate written statements. Defendant No.1 admitted the fact of partnership business, whereas defendant No.2 denied this fact. During the pendency of proceedings, instant application was moved by

respondent/defendant No.2 for amendment of written statement. 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. Besides, it does not change the nature of the suit and will not prejudice the petitioners. I, thus, find no ground to interfere in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

January 10, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No