

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

**CR No.7833 of 2016
Date of Decision: 06.10.2017**

**Punjab State Power Corporation Ltd. and another
.....Petitioners**

**Vs
M/s Mahavir Rice Mills
.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mukul Aggarwal, Advocate
for the petitioners.

Mr. S.S. Gurna, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioners are aggrieved of the order dated 17.09.2016 passed by the Civil Judge (Junior Division), Patiala, whereby application under Order 6 Rule 17 CPC for amendment of the written statement filed by the petitioners was rejected.

[2]. The contention of learned counsel for the petitioners at the time of issuance of notice of motion was that the date of "Data Down Load" was wrongly mentioned as 03.01.2011 instead of 23.12.2010 and the plaintiff would have liberty to cross examine the defendant.

[3]. During the course of arguments, it has been revealed that both the parties have already concluded their evidence and

now the case is fixed for arguments. 25 opportunities were availed by the defendants to conclude their evidence.

[4]. Keeping in view the nature of prayer made wherein only date is sought to be rectified i.e. 23.12.2010 in place of 03.01.2011, I deem it appropriate to allow the petitioners to place on record the amended written statement only, without leading any evidence on record. It is so because the case is already fixed for arguments after conclusion of evidence from both the sides.

[5]. In view of above, trial Court shall permit the petitioners to place on record the amended written statement and thereafter proceed to hear the case on merits and decide the same in accordance with law.

[6]. Disposed of.

06.10. 2017

Prince

Whether reasoned/speaking

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No