

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8357 of 2017 (O&M)
Date of Order:04.12.2017

Sudesh Kumar

..Petitioner

Versus

Vinod Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanwaljyot Singh, Advocate,
for the petitioner.

ANIL KSHETARPAL, J (Oral)

Defendant no.2 is in revision petition against the order dismissing application seeking amendment of the written statement after the trial has started.

Plaintiff filed a suit against as many as six defendants for specific performance of agreement to sell dated 09.05.2003. Defendants no.1 and 2 are brothers. A joint written statement was filed by defendants no.1 and 2 on 21.09.2010. Issues were framed on 24.02.2011. Plaintiff led his evidence and thereafter the opportunity was given to the defendants to lead their evidence. At that stage, defendant no.2 filed an application for amendment of the written statement stating that the earlier written statement was got prepared by defendant no.1 and defendant no.2 i.e the petitioner had signed the same on account of the fiduciary relationship between the parties. Now the petitioner-defendant wants to change his stand.

Learned trial Court after appreciating the facts available on the file, dismissed the application by observing that defendant no.2-petitioner

cannot be permitted to change his stand and withdraw his admission. The Court has further held that the application was filed after a period of 8 years.

I have heard counsel for the petitioner at length and with his able assistance gone through the documents available in the paper book.

Learned counsel for the petitioner has vehemently argued that defendant no.2 had initially filed written statement along with defendant no.1 without reading the same and, therefore, now he wants to file a separate written statement.

As noticed earlier, the written statement was filed on 21.09.2010. Plaintiff has already concluded his evidence. Defendants no.1 and 2 are brothers. Defendant-petitioner wants to entirely change his stand when compared with the written statement originally filed.

Taking into consideration all these facts, this Court does not find any good ground to interfere with the impugned order passed by the trial Court.

The Revision petition is dismissed.

December 04, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No