

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CR-8840-2015(O&M)

Date of Decision:24.04.2017

Gurmail Singh

.....Petitioner

Versus

Sukhjinder Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Mr.PKS Phoolka, Advocate,
for the petitioner.**

**Ms.Naina Issar, Advocate,
for respondent Nos.1 to 3, 5 and 6.**

RAMESHWAR SINGH MALIK, J.(Oral)

Present revision petition, at the hands of the defendant, is directed against the order dated 14.10.2015 passed by the learned trial Court, whereby his application for amendment in the written statement was dismissed.

Heard learned counsel for the parties.

It is a matter of record that after completion of pleadings of the parties, appropriate issues were framed by the learned trial Court. Parties started leading their evidence. Plaintiffs concluded their evidence in the affirmative. Thereafter, defendants including the present petitioner started and concluded their evidence. The case was fixed for rebuttal evidence. It was at this belated stage that the application under Order 6 Rule 17 read with Section 151 of the Code of Civil Procedure was moved on behalf of the defendant-petitioner, seeking amendment in their written statement.

Further, the only ground for seeking amendment in the written statement was that the petitioner came to know about the sale-deed No.2205 dated 29.07.2010 only from excerpt Ex.PW2/A produced by the plaintiffs in their defence and a copy of jamabandi for the year 2008-09. Since the application was moved by the petitioner-defendant at a belated stage when the trial was about to be concluded, learned trial Court rightly dismissed the application filed by the petitioner, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, when learned counsel for the petitioner was asked to show the excerpt Ex.PW2/A where from he allegedly came to know about the abovesaid sale-deed, he was unable to show the said document to the Court. Be that as it may, the stage of the suit was not in dispute. It was at the stage of rebuttal evidence of the plaintiffs. Petitioner had availed several opportunities and now at this belated stage, he wanted to fill-up serious lacuna in his case, which cannot be permitted at this advanced stage of the suit. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld, for this reason as well.

The abovesaid view taken by this Court also finds support from the following judgments of the Hon'ble Supreme Court as well as this Court in P.A.Jayalakshmi Versus H.Saradha and others, 2009(14) SCC 525, Ajendraprasadji N.Pande and another Versus Swami Keshavprakeshdasji and others, 2006(12) SCC(1), Anupma Rubber Private Limited Versus Bata India Limited, 1999(2) RCR(Civil) 423, Daljeet Singh and others Versus Balwant Singh, 1991(2) LJR 824,

Sheela Devi Versus Beni Parshad, 2001(2) RCR (Civil) 355 and the order dated 21.04.2017 passed by this Court in CR No.2448 of 2017 (**Mam Chand Versus Shri Ram General Insurance Company Limited and others**).

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that no fault can be found with the impugned order passed by the learned trial Court and the same deserves to be upheld. The present revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the instant revision petition stands dismissed, however, with no order as to costs.

April 24, 2017
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(**RAMESHWAR SINGH MALIK**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No