

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-9068-2017

Date of Decision: 22.12.2017

CHARTU @ CHARTA RAM

... Petitioner

Versus

SURINDER KUMAR

...Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. RS Mamli, Advocate
for the petitioner.

ANITA CHAUDHRY, J.(oral)

The petitioner had moved an application seeking amendment of written statement after the closure of his evidence.

The words used in the Proviso to Order 6 Rule 17 CPC is in the mandatory form. Amendment can be allowed if despite due diligence the party could not have taken the new plea. The defendants, after both the parties had completed their evidence, wants to take a plea that the plaintiff had also forged and fabricated an agreement dated 01.05.2012 of his wife. This fact is not a new discovery. The fact was known to the defendant. The counsel for the petitioner has relied upon **Amar Singh Vs. Nirmal Singh & Anr. 2016(3) RCR(Civil) 192** but it is not applicable to the facts presented here.

There is no infirmity in the order. The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

22.12.2017

J/S

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