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

**Civil Revision No.6411 of 2016
Date of Decision: 05.09.2017**

ANIL KUMAR & ORS.

.....Petitioners

Vs

VIPAN KUMAR RAMPAL

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vivek Goyal, Advocate
for the petitioners.

Mr. G.S. Bawa, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 11.08.2016 passed by Civil Judge (Jr. Divn.) Amritsar vide which the application filed by the petitioners under Order 6 Rule 17 CPC for amendment of the written statement was dismissed.

[2]. Brief facts are that the suit for declaration with a consequential relief of permanent injunction was filed by the plaintiff/respondent to the effect that he was owner in possession of the suit land. In the original written statement filed by the defendants/petitioners it was pleaded that Bimla Rani

had bequeathed her property in favour of defendant No.1 along with his sons Pankaj and Karan. One agreement was executed by Bimla Rani with defendant No.1. The aforesaid assertion made in the written statement was sought to be amended with the plea that in fact the agreement was executed between Bimla Rani and defendant Nos.2 and 3. The name of defendant No.1 and his sons Pankaj and Karan were mentioned due to typographical error.

[3]. Learned counsel for the petitioners by referring to agreement to sell (Ex.P-4) dated 13.10.2009 submitted that the said document itself showed that it was executed between Bimla Rani, Pankaj Rampal and Karan Rampal both sons of Anil Kumar Rampal. The said fact was also fortified by the sale deed dated 13.10.2009 wherein the property was transferred in favour of Pankaj Rampal and Karan Rampal. Learned counsel also stated that the petitioners only intend to place on record the amended written statement without seeking any right to lead further evidence. Only proposed written statement may be allowed to be placed on record subject to payment of adequate cost.

[4]. I have heard learned counsel for the parties.

[5]. Both the parties have led their evidence and the case is

fixed for rebuttal and arguments. At this stage, though learned counsel for the respondent opposed the prayer for amendment of the written statement, but in view of the fact that only amended written statement is sought to be placed on record without seeking any right to lead further evidence, I am of the view that the prayer of the petitioners can be accepted.

[6]. In view of above, this revision petition is accepted and the impugned order dated 11.08.2016 is set aside. The application filed by the petitioner under Order 6 Rule 17 CPC for amendment of the written statement is allowed, however subject to payment of cost of Rs.20,000/- to be paid to the respondent. The payment of cost shall be the condition precedent for allowing indulgence by the trial Court in the aforesaid context.

September 05, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No