

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

Civil Revision No.1443 of 2018 (O&M)

Date of Order:06.03.2018

Arvind Yadav and another

..Petitioners

Versus

Sanjiv Yadav and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aayush Gupta, Advocate,
for the petitioners.

ANIL KSHETARPAL, J(Oral)

Defendants-petitioners are in revision petition against the order dated 03.02.2018, refusing amendment of the written statement.

It is not in dispute that the trial has started and the plaintiffs have already tendered affidavits in evidence. It is further not in dispute that facts sought to be now pleaded by way of amendment were in the knowledge of the defendants, who after the commencement of the trial want to plead new facts.

In view of the proviso to Order 6 rule 17 of the Code of Civil Procedure, the amendment of the pleadings cannot be allowed unless the party establishes before the Court that such plea could not be taken by the party despite due diligence.

In the present case, learned trial court has already recorded his findings that the facts were in the knowledge of the defendants and they are now after commencement of the trial cannot be permitted to take an entirely new plea.

In view thereof, there is no scope for interference in the impugned order passed by the learned trial court.

The revision petition is dismissed.

March 06, 2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No