

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.1853 of 2018 (O&M)

Date of decision: 20.03.2018

Mahender Singh and others

..... Petitioners

Versus

Surender and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.S. Gill, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

Defendants-petitioners are in the revision petition against the order passed by the learned trial Court dismissing the application under Order 6 Rule 17, CPC seeking amendment of the written statement. Learned trial Court has found that the defendants had already filed a detailed written statement and the pleadings sought to be introduced through the amended written statement are facts which were already in the knowledge of the parties. The Court has noticed that the trial has started and the defendants-petitioners have failed to show that in spite of due diligence, the defendants-petitioners could not plead these facts.

The suit was instituted on 22.02.2013. The defendants-petitioners have not given any reason as to why these facts, which were in their knowledge, were not pleaded when the written statement was filed. Proviso to Order 6 Rule 17 debars any amendment of the pleadings after commencement of the trial unless the party is able to satisfy the Court that

in spite of due diligence, such facts could not be pleaded while filing the written statement. In the present case, defendants have failed to do so.

Hence, there is no scope for interference in the order passed by the learned trial Court.

Revision petition is dismissed.

20.03.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No