

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

Civil Revision No.2441 of 2018 (O&M)
Date of Decision: November 30, 2018

M/s Sutlej Tools Ltd.

...Appellant

Versus

The Punjab Small Industries and Corporation Limited

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

**Present: Mr. Onkar Singh, Advocate,
for the petitioner.**

**Mr. Kanish Ganeriwala, Advocate,
for the respondent.**

AMIT RAWAL, J. (Oral)

The present revision is directed against the order dated 30.08.2017 (Annexure P-1), whereby at the stage of plaintiff's evidence, application for causing amendment in the written statement has been allowed.

Mr. Onkar Singh, learned counsel for the petitioner submitted that the plaintiff had sought declaration for allotment of the premises, i.e., B-1 situated at Industrial Focal Point, Hoshiarpur by challenging the termination order dated 09.02.1998 and subsequent orders dated 25.01.1995 and 29.04.1995. The respondent filed written statement (Annexure P-3). When the evidence of the plaintiff was over, respondent-Corporation submitted an application for amendment of the written statement to incorporate the factum of possession of the plaintiff. The said amendment after framing of the issues is not maintainable as no explanation of

expression “despite exercise of due diligence” is forth coming.

Mr. Kanish Ganeriwala, learned counsel for the respondent submitted that the amendment allowed by the court below is most innocuous and it would help the trial court in adjudication of the lis and, thus, prayed for dismissal of the petition.

I have heard the learned counsel for the parties, appraised the paper book and of the view that the impugned order cannot be said to be suffering from infirmity, illegality or having been passed without jurisdiction. The amendment regarding the possession would not alter the defence or withdrawing of the admission. It is explicit in nature and would help the court in adjudication of the lis, particularly when the other party, vide impugned order, has already been compensated in terms of costs.

For the reasons stated above, no ground for interference is made out. Revision petition stands dismissed.

November 30, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No