

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3260-2015 (O&M)

Date of decision : 26.3.2018

Jora Singh

..... Petitioner

Versus

Gian Chand

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: None for the petitioner.

Mr. Rajbir Singh Advocate for respondent.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

No representation has been made on behalf of the petitioner.

Impugned in the present revision petition is the order dated 13.4.2015, passed by learned Additional Civil Judge (Senior Division), Budhlada vide which an application filed under Order VI Rule 17 of the Code of Civil Procedure, 1908 for amendment of the written statement was dismissed.

Heard, learned counsel for the respondent.

It comes out that suit for recovery of Rs. 5,08,000/- was filed by respondent on 27.8.2009 (Annexure P-1). In the said suit, written statement was filed in the year 2012. When the evidence was complete, an application for amendment in the written statement to plead set off in respect of crops hold by the defendant to plaintiff for Harri 2000 to Swani 2003 was filed in the year 2015.

I am of the view that at the first instance, the set off is to be claimed in the written statement which was never claimed and at the time when evidence was complete, such set off cannot be allowed to be pleaded. Secondly, the set off is always for the certain amount. Simply saying that setoff is for the certain crops is not sufficient.

In view of above, I do not find any illegality or infirmity in the order dated 13.4.2015 passed by learned Additional Civil Judge (Senior Division), Budhlada.

Dismissed.

Since, the main petition has been dismissed, the miscellaneous application pending, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

26.3.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No