

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254

CR No.491 of 2017 (O&M)

Date of decision: 20.02.2018

Madan Singh and another

..... Petitioners

Versus

Sukhdev Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rohit Ahuja, Advocate
for the petitioners.

Mr. Prashant Thakur, Advocate, for
Mr. Vivek K. Thakur, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Defendants-petitioners are in revision petition against the order dismissing the application under Order 6 Rule 17, CPC seeking amendment of the written statement. The Court has noticed that the defendants are trying to withdraw their admission and plead the facts which are contrary to the facts already pleaded. The Court has further noticed that the plaintiff has already closed his evidence and the application at that stage cannot be entertained.

I have heard learned counsel for the parties at length and with their able assistance gone through the documents filed.

A reading of the impugned order as well as the application for amendment of the written statement shows that initially the defendants had pleaded that defendant No.1 being Attorney of defendant No.2, had signed the agreement to sell but now the defendants wants to plead that defendant

No.1 was not the Attorney of defendant No.2.

In the considered opinion of this Court, such amendment which amounts to withdrawal of the admission made in the pleadings, which cannot be permitted particularly at that stage.

Learned counsel for the petitioners has cited few precedents to assert that the admission made can be permitted to be withdrawn or explained. In the considered opinion of this Court, all the precedents cited are decisions of the Court on a peculiar fact situation. In the present case, the defendants-petitioners wants to take an absolute converse stand in the amended written statement (proposed) from what was pleaded in the original written statement. This Court has already noticed that the plaintiff has already closed his evidence and the trial of the suit has made substantial progress.

In view thereof, there is no scope for interference with the order passed by the learned trial Court.

Revision petition is dismissed.

20.02.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No