

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 121

CR-6327-2018

Date of decision : 20.09.2018

Mohinder Kumar (deceased)
through his LR Smt. Kamlesh

..... Petitioner

VERSUS

Santosh Rani and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sarbjit Singh, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 31.08.2018, passed by the Civil Judge (Junior Division), Amritsar (for short, the Trial Court), through which an application filed by the petitioner under Order 6 Rule 17 CPC for amendment of the written statement, has been dismissed.

The facts in brief which are required to be noticed for adjudicating upon the present petition are that respondent No. 1 filed a suit seeking therein issuance of directions to the defendants in the suit to hand over vacant possession of the property detailed and described in the headnote of the plaint (for short, the suit property). On being put to notice, the defendants in the suit appeared before the Trial Court. Defendant No. 5 Mohinder Kumar, who was the petitioner's husband, expired before he could file his written statement. As his legal representative the petitioner was brought on record and she filed a written statement on 13.11.2016. Thereafter, the Trial Court framed the issues. When respondent No. 1/plaintiff had virtually led her entire evidence, the petitioner filed an application for amending her written statement. Such application was dismissed by the Trial Court, occasioning the filing of the present petition.

Learned counsel for the petitioner has been heard.

Respondent No. 1, who is over ninety years of age, had filed a suit in December, 2014 seeking therein vacant possession of the suit property. The petitioner had filed her written statement on 13.11.2016. When respondent No. 1/plaintiff had virtually led her entire evidence, after changing her counsel, the petitioner filed an application for making several changes in her written statement which were admittedly in the knowledge of the petitioner at the time when she had filed her unamended written statement. The sought amendments include addition of the word 'not' in para 1 of her written statement which would certainly change the entire complexion of the petitioner's stand and would be grossly prejudicial to the interests of respondent No. 1.

In view of the above, as also because the only reason given before this Court for seeking amendment in the written statement is change of counsel by the petitioner, which is not acceptable, no error is found in the order impugned before this Court.

Dismissed.

20.09.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No