

CR-6614-2017 (O&M)

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

CR-6614-2017 (O&M)

Date of decision : 28.11.2018

Hindustan Petroleum Corporation Limited and another

... Petitioners

Versus

Krishan Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Raman Sharma, Advocate
for the petitioners.

Mr. Arjun Veer Sharma, Advocate
for respondent No.1.

AMIT RAWAL, J.

The present revision petition is directed against the order, whereby the application under Order 6 Rule 17 of CPC for amendment of written statement on behalf of the petitioner-defendant has been dismissed.

This Court while issuing notice of motion had directed the trial Court not to pass the final order.

Learned counsel for respondent No.1 submitted that the suit is already stated to be at the stage of final arguments.

Learned counsel for the petitioners-defendants controverted the aforesaid fact and submitted that the amendment sought to be incorporated is an elucidation of the facts already taken i.e. specific date of termination of the licence agreement and it would help the Court in adjudication of the *lis*. No fresh evidence is required to be led.

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I have heard the learned counsel for the parties and appraised
he paper book.

In view of the aforementioned statement given by Mr. Sharma
for not leading evidence, in case the proposed amendment is allowed, I am
of the view that the amendment sought to be incorporated by inserting the
factum of the cancellation of the license agreement in a suit for declaration
preferred by the plaintiffs is necessary and essential and it would help the
Court for the adjudication of the *lis*.

Accordingly, the application seeking amendment is allowed
subject to the payment of ₹5,000/-.

It is made clear that no fresh evidence would be led and the
defendants under the garb of the aforementioned fact, will not be permitted
to incorporate the legal pleas as it would not be in consonance with the
provisions of Order 6 Rules 1 & 2 of the Code of Civil Procedure.

The present revision petition stands allowed.

28.11.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**