In the High Court of Punjab and Haryana at Chandigarh

107 **CR No. 7173 of 2018 (O&M)**
Date of decision: 27.11.2018

M/s PREMIER LIMITED & ORS **.....petitioners**

Versus

M/s SRI MOHAN MOTORS **.....respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms.Anita Sharma, Advocate for the petitioners.

None for the respondent.

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RAJ MOHAN SINGH, J.(oral)

Notice of motion was issued on 23.10.2018 and liberty was given to the petitioners to serve the respondent through its counsel appearing on its behalf in the trial Court by means of *dasti* process.

As per office report, *dasti* notice issued to the respondent through the learned counsel appearing on its behalf in the trial Court has been received back duly served.

There is no representation on behalf of the respondent despite two pass overs.

In view of above, I proceeded to decide the case on merits.

This revision petition has been preferred by the petitioners against the order dated 18.9.2018 passed by the trial Court vide which amendment in the written statement was

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declined.

The proposed amendment was only to incorporate verification clause in the written statement, which was not earlier made in the original written statement. No such objection was taken in the replication.

It is a settled principle of law that amendment in the written statement is to be liberally construed. By way of incorporating the verification clause in the written statement, the subject matter of the written statement will not be changed. Even otherwise, parties have concluded their evidence and the case is fixed for rebuttal (if any) and arguments. Incorporation of verification clause in the written statement by way of proposed amendment would not change the stand of the defendants in the suit nor the same requires any evidence to be led by the defendants.

Since the case is fixed for rebuttal and arguments, therefore, court will proceed to decide the suit on merits. The objection, if any, for want of verification clause in the written statment shall not be available to the plaintiff.

In view of above, this revision petition is allowed and the impugned order dated 23.10.2018 stands set aside.

(RAJ MOHAN SINGH)
JUDGE

November 27, 2018
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Whether reasoned/Speaking **Yes/No**

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