

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

Civil Revision No.7749 of 2017 (O&M).
Decided on:-February 05, 2018.

Bashira.

.....Petitioner.

Versus

Aas Mohd.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present revision petition under Article 227 of the Constitution of India for setting aside the order dated 06.09.2017 (Annexure P-4) passed by learned Additional Civil Judge (Senior Division), Ferozepur Jhirka, whereby the application filed by the petitioner-defendant under Order VI Rule 17 CPC for amendment of written statement in a suit filed by the respondent-plaintiff for specific performance, was dismissed.

Learned counsel for the petitioner-defendant states that the petitioner-defendant had filed the application for amendment of the written statement on the plea that at the time of filing the written statement, the contents of the same were not read over and explained to him in the language of his understanding. When the petitioner engaged a new counsel, the factum of the contents of earlier written statement were brought to his notice.

He further states that in the earlier written statement, the petitioner had pleaded that a sum of Rs.1 lakh was borrowed by the petitioner-defendant from the respondent-plaintiff, whereas the real fact is that the petitioner-defendant had purchased a tractor-trolley and other agricultural equipment worth Rs.8 lakhs from the respondent-plaintiff and also borrowed a loan of Rs.2 lakhs from him on 28.10.2013. Therefore, the petitioner-defendant wanted to amend his written statement to the aforesaid extent, however, vide impugned order dated 06.09.2017, learned civil Court has rejected the application for amendment of the written statement filed by the petitioner-defendant.

Having heard learned counsel for the petitioner-defendant and perusing the impugned order dated 06.09.2017 passed by the civil Court, it reveals that the petitioner had filed his earlier written statement under his signatures. Even otherwise, the plea of the petitioner is that he had purchased a tractor-trolley and other agricultural equipment worth Rs.8 lakhs from the respondent-plaintiff and also borrowed a loan of Rs.2 lakhs from him on 28.10.2013. This fact is yet to be decided by the civil Court for which the respondent-plaintiff is required to adduce necessary evidence. The present application seeking amendment of the written statement was filed by the petitioner when the plaintiff's witnesses have already been cross-examined by the petitioner-defendant on the basis of his defence pleaded in the earlier written statement. Therefore, this Court does not find any illegality in the impugned order passed by learned civil Court.

Accordingly, affirming the impugned order dated 06.09.2017 (Annexure P-4) passed by learned Additional Civil Judge (Senior Division), Ferozepur Jhirka, the present civil revision, being devoid of any merit, is dismissed.

February 05, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No