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

**Civil Revision No.8225 of 2015
Date of Decision: 23.08.2018**

Swaran Singh @ Bittu

.....Petitioner

Vs

Harpreet Kaur

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Rajinder Sharma, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 15.09.2015 passed by the Addl. Civil Judge (Sr. Divn.), Amritsar whereby the application filed by the petitioner for amendment of the written statement under Order 6 Rule 17 CPC was declined.

[2]. Learned counsel for the petitioner submitted that the proposed amendment is in respect of ownership of Surjit Kaur to the extent of 56 Sq. Yards. Surjit Kaur had acquired the ownership rights on the basis of sale deed dated 09.12.1996 executed by her brothers, grandmother and defendant/ petitioner. In the written statement, the stand was taken to the

effect that the mother Surjit Kaur was not competent to execute the said sale deed in respect of entire area of 75 sq. yards in favour of the plaintiff. By referring to the recital of the sale deed dated 09.12.1996, it was contended that the sale deed was in respect of 56 sq. yards.

[3]. By referring to the aforesaid facts, learned counsel further submitted that the proposed amendment is just an elaboration of the facts already pleaded in the original written statement.

[4]. Learned counsel for the respondent has not disputed the factual details on record, however he submitted that the proposed amendment is not at all required and is not relevant.

[5]. I have considered the submissions made by learned counsel for the parties.

[6]. All *bona fide* amendments are to be allowed. The effect of amendment is to be seen at the time of final adjudication of the case. Admittedly, no prejudice is going to be caused by allowing the elaboration of facts pleaded in the original written statement by way of proposed amendment.

[7]. Amendment of the written statement is to be liberally construed and the parameters are different than the one meant for amendment of the plaint. Defendant can take even inconsistent plea in the proposed amendment of written

statement.

[8]. Be that as it may, the perusal of the material on record would show that no prejudice is going to be caused to the respondent, if the proposed amendment in the written statement is allowed.

[9]. In view of above, this revision petition is allowed. Impugned order dated 15.09.2015 passed by the Addl. Civil Judge (Sr. Divn.), Amritsar is hereby set aside. Normal consequences to follow.

August 23, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No