

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No.1780 of 2019(O&M)  
Date of Decision: 14.03.2019

Anil

.....Petitioner

Versus

Bhupender

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:Mr. R.A. Sheoran, Advocate  
for the petitioner.

\*\*\*\*

**RAJ MOHAN SINGH, J.(Oral)**

[1]. Petitioner has assailed the order dated 02.03.2019 passed by Additional Civil Judge (Senior Division), Charkhi Dadri allowing the application for amendment in the written statement.

[2]. The proposed amendment in the form of two defences was sought to be incorporated. Defendant sought to plead that he was involved in some bad company and became addicted and in that process, plaintiff had obtained his signatures by way of fraud. Defendant has also sought to incorporate market value of the property to the tune of Rs.1.5 crores and the defendant

never intended to sell the same for a meager amount of Rs.12 lacs.

[3]. It is a settled principle of law that amendment in the written statement is to be liberally construed as the same is placed at some different pedestal than that of amendment of plaint. Even the defendant is entitled to take inconsistent plea in the amended written statement. Delay is not a ground to discard the amendment in the written statement, particularly when after framing of issues, no evidence has been led by the plaintiff. At the stage of allowing or dismissing the plea for amendment, the Court is not obliged to decide the *lis* on merits. The ultimate effect of the amendment would be gone into by the trial Court at relevant stage.

[4]. At this juncture without forming any opinion on merits of the case, the indulgence granted by the trial Court while allowing the proposed amendment cannot be faulted with. This revision petition is accordingly dismissed.

14.03.2019

*Prince*

**(RAJ MOHAN SINGH)**  
**JUDGE**

**Whether reasoned/speaking**  
**Whether reportable**

**Yes/No**  
**Yes/No**