

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

Sr. No.109

CR-7837-2019 (O&M)

Date of decision: 16.12.2019

Satpal

W

...Petitioner

versus

Om Parkash

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gurdarshan Singh Sidhu, Advocate,
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 04.10.2019 passed by the Civil Judge (Junior Division) Dabwali (for short – the Trial Court) dismissing an application filed by the petitioner through which he had sought to amend his written statement.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the respondent filed a suit seeking therein specific performance of an agreement to sell dated 16.09.2016 allegedly executed by the petitioner pertaining to 16 kanals of land detailed and described in the head note of the plaint (for short – the suit property). On being put to notice, the petitioner, who was the sole defendant in the suit, appeared before the Trial Court and denied the respondent's claim. Thereafter, the Trial Court framed issues on which both parties led their respective evidence. At the stage of final arguments, the petitioner filed an application seeking therein to amend his written statement to include therein a fact that in three kanals of the suit property he had

constructed his house. The Trial Court dismissed the petitioner's application on the ground that the same was highly belated. Such order of the Trial Court is under challenge in the present proceedings.

Learned counsel for the petitioner has been heard.

It is not disputed that the respondent's suit for specific performance was at the stage of final arguments when the petitioner filed an application seeking therein to amend his written statement to include therein an averment that on three kanals of the suit property he had made construction of a house.

That being so, no error is found in the order of the Trial Court rejecting the petitioner's prayer for amendment of his written statement on the ground that the petitioner's application had been filed by him at a stage when the trial was virtually over and that the fact which the petitioner now sought to introduce was very well known to him at the time he had filed his written statement as also that no explanation whatsoever was forthcoming from the petitioner as to why the said fact was not incorporated by him at the time when he had filed his written statement.

Dismissed.

(DEEPAK SIBAL)
JUDGE

December 16, 2019
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No