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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3801-2022 (O&M)

Date of Decision:15.09.2022

Ashok Kumar and another

.. Petitioners

Vs.

The District Primary Co-op Agriculture and Development Bank Branch,
Nilokheri, District Karnal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Article 227 Constitution of India for setting aside the order dated 02.08.2022 (Annexure P-4) passed by Civil Judge (Jr. Divn.), Karnal, whereby their application under Order VI Rule 17 CPC read with Section 151 CPC for amendment of written statement was dismissed.

Learned counsel has argued that the application filed by the petitioners/defendant Nos.2 and 3 for amendment of the written statement has been wrongly dismissed by the trial Court, as the amendment sought to be incorporated in the written statement relates to the issue of limitation. Learned counsel has argued that the witness of the plaintiff (bank) had deposed before the Court that the fact of execution of sale deed by borrower-defendant No.1 came to their notice in the year 2012, therefore, the application was moved for raising the objection that the suit is time barred. He submits that in case, the petitioners are allowed to incorporate this amendment in the written statement, no prejudice would be caused to

the plaintiff. He prays that the impugned order be set aside.

After hearing the learned counsel, this Court finds that defendant Nos.2 and 3/petitioners had already taken numerous objections regarding maintainability of the suit, which would also include the ground of limitation period and the trial Court while declining his prayer has also made this observation in favour of the petitioners.

Resultantly, no case is made out for interference.

Dismissed.

15.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No