

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

**CR-3846-2022 (O&M)**  
**Date of decision : 14.09.2022**

Jaswant Singh

... Petitioner(s)

Versus

Jyoti Rani & Ors.

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Prashant Bansal, Advocate for the petitioner.

**ALKA SARIN, J. (ORAL)**

The present revision petition has been filed challenging the order dated 30.08.2022 dismissing the application filed under Order 6 Rule 17 read with Section 151 CPC for amendment of the written statement filed by the defendant-petitioner.

The brief facts relevant to the present *lis* are that the plaintiff-respondents filed a suit for recovery of Rs.25,00,000/- along with interest @ 18% per annum with Rs.1,00,000/- as other expenses of litigation on account of damages and loss in reputation, dignity, honor, character and respect etc. Along with the said plaint, an application under Order 33 Rules 1 and 2 CPC was also filed for permission to sue as an indigent person. The said suit was filed on 30.08.2013. When the case was fixed for evidence of the defendant-petitioner, an application was filed under Order 6 Rule 17 CPC for amendment of the written statement wherein it was prayed that the defendant-petitioner be permitted to add para 5-A, which reads as under :

*“That on 22.05.2012, some dispute/quarrel took place between Sonu @ Satwinder Khan defendant No.2 son of defendant No.1 with Jyoti granddaughter of Seema Rani and on 23.05.2012 with the intervention of some respectable of villagers one compromise took place between both the parties whereby father of defendant No.1 Jaswant Singh agreed to give Rs.75,000/- to Jyoti Rani upto 07.06.2012 and on 07.06.2012 Jyoti Rani through her grandmother Seema Rani received Rs.75,000/- from defendant No.1 (father of defendant No.2).”*

The said application was contested by the plaintiff-respondents and vide the impugned order dated 30.08.2022, the same was dismissed. Aggrieved by the said order, the present revision petition has been filed.

Learned counsel for the defendant-petitioner would contend that the said fact of the compromise dated 23.05.2012 could not be pleaded despite due diligence and that the Courts always take a liberal view with regard to the amendment of the written statement.

Heard.

In the present case the suit was filed on 30.08.2013. When the case was fixed for evidence of the defendant-petitioner, on 22.08.2022 the present application was filed for amendment of the written statement seeking to plead that on 22.05.2012 some dispute/quarrel took place between Sonu @ Satwinder Khan (defendant-respondent No.3) son of the defendant-petitioner with Jyoti Rani granddaughter of Seema Rani and on 23.05.2012

with the intervention of some respectables one compromise took place between the parties whereby it was agreed that an amount of Rs.75,000/- would be given to Jyoti Rani upto 07.06.2012 and on 07.06.2012 the said amount was received by Jyoti Rani through her grandmother Seema Rani. By way of the present amendment, the defendant-petitioner is wanting to plead an event of 2012. A perusal of the application reveals that the same is totally bereft of any reason as to why the said fact could not be pleaded earlier. It is not the case that the said fact was not within the knowledge of the defendant-petitioner. Permitting the amendment at this stage would lead to a *de-novo* trial inasmuch as once the said fact is permitted to be pleaded, the plaintiff-respondents would need to file an amended replication as well as a fresh issue would also be required to be framed and the evidence would be required to be led again. The suit has already been pending for the last many years.

In view of the above, I do not find any illegality and infirmity in the impugned order passed by the Trial Court dismissing the application for amendment of the written statement. The present revision petition which is devoid of any merit is accordingly dismissed. All pending applications, if any, also stand disposed off.

**14.09.2022**  
Yogesh Sharma

**( ALKA SARIN )**  
**JUDGE**

NOTE : Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO