

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 110

Civil Revision No.4568 of 2022
Date of Decision: *December 08, 2022*

Municipal Corporation, Patiala

..... PETITIONER(S)

VERSUS

Pawan Kumar

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. L.S. Sidhu, Advocate, for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This is revision petition under Article 227 of the Constitution of India, for setting aside order dated 24.08.2022 (Annexure P-11) passed by the lower Appellate Court, vide which application (Annexure P-8) filed by the petitioner-defendant under Order VI Rule 17 CPC for amendment of the written statement has been dismissed.

2. The facts of the case as apparent from the record are, the suit in question for permanent injunction was filed on 22.04.2011 and written statement on behalf of the petitioner-defendant was filed on 03.06.2011. The issues were framed and the suit was finally decreed in favour of the respondent-plaintiff vide judgment and decree dated 22.09.2016. The petitioner-defendant filed an appeal against the same. It was during pendency of appeal before the lower appellate Court that the instant

application (Annexure P-8) seeking amendment of the written statement has been filed.

3. Learned counsel for the petitioner-defendant is not in a position to deny that there was no diligence on the part of the defendant in seeking amendment of the written statement. It is not the defendant's case either that the facts sought to be pleaded by way of amendment, were not a part of the official record. In case there is any negligence on the part of the counsel representing the defendant before the trial Court in not mentioning those facts in the written statement, it cannot be a ground to allow the application for amendment at this belated stage.

4. In view of the aforesaid, there is no ground to interfere with the impugned order passed by the lower appellate Court.

5. Dismissed.

(Tribhuvan Dahiya)
Judge

December 08, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No