

CR-4956-2022

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

CR-4956-2022

Date of Decision: November 15, 2022

Om Parkash

...Petitioner

Versus

Ramavtar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. P.R. Yadav, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

This revision is directed against the order dated 27.09.2022 (Annexure P-5) passed by the learned Civil Judge (Jr. Divn.), Mahendergarh, whereby an application for amendment of the written statement filed by defendant No.1 (now respondent No.1) in a civil suit bearing CNR No.HRNRA00008212019 titled ***“Om Parkash vs Ramavtar and others”***, was allowed.

2. Plaintiff and contesting defendant No.1 are brothers. Plaintiff claimed that there is an electricity connection in the joint land of the parties, in which he has half share. He sought to injunct the defendant from user of the said electricity connection apart from the pumping set to the extent of ½ share by taking benefit of the fact that electricity connection is in the name of defendant No.1. Defendant in his written statement pleaded about a writing dated 18.05.2019 executed between the parties, as per which price of well, pipe, wire, motor and electric

connection was estimated at ₹2,00,000/-, which was taken by the the plaintiff-Om Prakash and for that, plaintiff had to pay ₹1,00,000/- to defendant No.1.

3. Later on, defendant moved application to amend the written statement submitting that due to typographical mistake, the word “electricity connection” was wrongly mentioned in para 4 of the written statement. By way of amendment, he wanted to remove the said word in the written statement.

4. Said amendment application was allowed by way of the impugned order.

5. It is contended by the petitioner-plaintiff that application for amendment has been wrongly allowed, by deleting the admission regarding electricity connection made by defendant in his original written statement. Besides, no amendment could have been allowed after the trial had commenced. Further, the amendment sought by the defendant was not typographical.

6. After hearing learned counsel for the petitioner and perusing the paper book, I do not find merit in the revision.

7. As conceded by the learned counsel for the petitioner, there was no dispute regarding the execution of writing dated 18.05.2019, as referred in para No. 5 of the impugned order dated 27.09.2022. In the said admitted writing, the word “electricity connection” was not mentioned. Once it is so, Ld trial Court is not wrong in observing that defendant did not want to wriggle out of the admission and rather, it was

only a typographical mistake. Apart from this, plaintiff-petitioner will get the opportunity to file rejoinder to the amended written statement. Parties would be at liberty to lead evidence as per the amended pleadings. No prejudice has been caused to the petitioner-plaintiff in any manner.

8. In view of above, present revision is dismissed.

November 15, 2022
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No