

Neutral citation No. 2023:PHHC:065331

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 2797 of 2023 (O&M)

Date of decision : 5.5.2023

...

Surjit Kaur

.....Petitioner

vs.

Krishan Parveen

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

Being impugned in this revision petition is the order dated 27.2.2023, passed by Civil Judge (Junior Division), Ludhiana, vide which an application under Order 6 Rule 17 CPC, filed by the defendant, for amendment of the written statement had been dismissed.

Briefly sated, facts of the case are that in a pending suit titled 'Krishan Parveen vs. Surjit Kaur', on being issued notice, the defendant had appeared and filed a written statement. Subsequently, the defendant engaged some other counsel and moved an application seeking amendment of the written statement contending that the facts told by her to her previous counsel have not been mentioned by him

in the written statement and even some false facts have been mentioned. By way of amendment, the defendant wants to delete some of the paragraphs and add new paragraphs, which are materially different from the plea earlier taken. In the original written statement, stand of the defendant was that the plaintiff had developed love relationship with her in the year 1990 as such on his assurance, the defendant accompanied him to his native Village Mona in District Hoshiarpur, where the defendant alongwith plaintiff and his wife started residing at a rented accommodation in Kabir Nagar and at the behest of the plaintiff, the defendant even solemnized the marriage with the friend of the plaintiff, namely, Harbans Singh and thereafter she started residing in the suit property with Harbans Singh. Now the defendant intends to change her stand submitting that wife of the plaintiff and defendant, who used to stay at Kolkatta were having good relationship with each other and after their marriages, both the parties were residing in the same locality and had cordial relationship with each other and after death of husband of the defendant, plaintiff taking undue benefit of the same committed cheating and fraud with the plaintiff by taking power of attorney in the name of his friend Harnek Singh and executing sale deed in favour of the plaintiff.

The plaintiff had opposed the application tooth and nail. The application was dismissed by the trial court.

The trial Court has rightly found that such type of amendment cannot be allowed and there is no justification for

accepting the application. The order dismissing the application is quite detailed, well reasoned and does not suffer from any illegality or infirmity. No reason is there to interfere with such order.

The revision petition is found to be without any merit and is dismissed accordingly.

5.5.2023	(H.S. Madaan)
chugh	Judge
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No