

CR-5742-2023

- 1 -

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

124

CR-5742-2023

Decided on : 29.09.2023

Manjit Kaur (since deceased) through LRs

. . . Petitioner(s)

Versus

Gurdeep Singh

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Viren Jain, Advocate and
Ms. Komaljit Kaur, Advocate, for the petitioner(s).

Mr. Gurcharan Dass, Advocate
for the respondent – Caveator.

SANJAY VASHISTH, J. (Oral)

1. Present revision petition has been filed by the defendant (through legal representatives), challenging the order dated 04.09.2023 (P-5), passed by the Court of learned Civil Judge (Junior division), Ludhiana, in Civil Suit No.CS-2305-2015, titled as, “Gurdeep Singh vs. Manjit Kaur”, whereby, application filed by the defendant under Order 6 Rule 17 of Civil Procedure Code (CPC), has been dismissed.

2. Learned counsel for the petitioner(s)/defendant submits that suit for possession by way of specific performance is pending before the Trial Court, and in the written statement filed by the defendant [petitioner(s) herein], there is a specific plea in regard to the absence of readiness and willingness at the instance of the plaintiff (respondent herein). Further submits that to substantiate the said pleading, defendant(s) requires to introduce another pleading in the written statement by making a specific reference to the Income Tax Returns (ITRs), balance-sheet, and Bank account statement.

CR-5742-2023

- 2 -

3. This Court has already gone through the impugned order dated 04.09.2023 (P-5), and is of the view that the observation made by the learned Trial Court is absolutely correct. In fact, Trial Court has given its observation that the pleading is already there, evidence has already been led by the defendant, and therefore, there is no purpose of allowing the prayer made by the defendant at this stage. Even, a specific observation has been given by learned Trial Court that the “***defendant shall be at liberty to argue these facts mentioned in the application at time of addressing final arguments.***”

4. Mr. Gurcharan Dass, learned counsel appearing on behalf of the respondent(plaintiff), and being caveator also, submits that even the application moved by the defendant(s) for seeking the proposed amendment is misconceived, there being no such requirement to introduce such facts in specific. He also submits that in fact, the purpose of the defendant(s) is not to introduce the proposed amendment, but to delay the trial.

5. Taking note of the submissions addressed by learned counsel for the parties, before this Court, and the observation made by learned Trial Court in its order dated 04.09.2023 (P-5), this Court is fully satisfied and does not seem any reason to interfere with the observation made by learned Trial Court, in any manner.

Petition stands dismissed accordingly.

(SANJAY VASHISTH)
JUDGE

September 29, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No