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

CR-1442-2020 (O&M)

Date of Decision : 21.11.2024

Rajiv Kumar

... Petitioner(s)

Versus

M/s Sukhbir Builders & Colonizers Pvt Ltd & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Sirphikhi, Advocate for the petitioner.

Mr. Harminder Singh, Advocate for the respondent Nos.1 & 2.

ALKA SARIN, J. (Oral)

CM-19914-CII-2024

1. This is an application on behalf of the applicant-respondent Nos.1 and 2 for preponing the date of hearing from 13.03.2025 to an early date.
2. Notice of the application.
3. Mr. G.S. Sirphikhi, Advocate accepts notice on behalf of the non-applicant/petitioner and states that he has no objection if the present application is allowed and the date of hearing in the main case is preponed.
4. In view of the above and for the reasons stated in the application, the same is allowed. With the consent of the learned counsel for the parties, the main case is taken on Board today itself.

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5. The present revision petition has been preferred challenging the

order dated 30.01.2020 vide which the application filed by the defendant-petitioner under Order 6 Rule 17 of the Code of Civil Procedure, 1908 for amendment of the written statement was dismissed.

6. On 28.02.2020 the following order was passed :

“Learned counsel for the petitioner contends that in case the proposed amendment is allowed, the defendant-petitioner would neither want framing of any additional issue nor will lead any evidence qua the said amendment. Notice of motion to respondent Nos.1 and 2 only, for 30.04.2020.

Meanwhile, passing of final order shall remain stayed.”

7. Learned counsel for the respondent Nos.1 and 2 states that he would have no objection if the present revision petition is disposed off on the basis of the statement made by the learned counsel for the petitioner on 28.02.2020 that he would neither want framing of any additional issue nor will lead any evidence qua the said amendment.

8. Learned counsel for the petitioner, on instructions, states that he stands by the statement made on 28.02.2020 and in case the proposed amendment is allowed he would neither pray for framing of any additional issue nor would lead any evidence qua the said amendment.

9. In view of the statements made by the learned counsel for the parties, the present revision petition is disposed off. The petitioner is permitted to file the amended written statement. The respondent Nos.1 and 2 herein would have a right to file their replication to the amended written

statement. However, as stated by the learned counsel for the petitioner, he would not file any application for framing of any additional issue and would not lead any evidence qua the amendments.

10. Disposed off accordingly. Pending applications, if any, also stand disposed off.

21.11.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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