

In the High Court of Punjab and Haryana at Chandigarh

**CM-13992-CII-2024 in/and
CR No.3614 of 2024(O&M)
Date of Decision: 22.08.2024**

Jagsir Singh Dhillon

.....Petitioner

Versus

Yadwinder Singh and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Preetwinder Singh Dhaliwal, Advocate for the petitioner.

Mr. Ankush Singla, Advocate for respondent No.1.

RITU TAGORE, J.

CM No.13992-CII of 2024

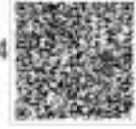
Heard on the application seeking preponement of the main case (CR No.3614 of 2024), which is fixed for 08.11.2024.

Learned counsel for respondent No.1 has made no objection if the application is allowed and the main case is preponed.

In view of the averments made in the application and no objection made by learned counsel for respondent No.1, same is allowed. CR No.3614 of 2024 is preponed and taken on board today itself.

CR No.3614 of 2024

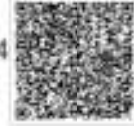
1. This revision petition, filed under Article 227 of the Constitution of India, is against the order dated 21.05.2024 (Annexure P-7), passed by learned Civil Judge (Junior Division), Barnala, in a Civil Suit bearing No.CS-989-2018 titled as “Yadwinder Singh Vs. Jagsir Singh and others, whereby an application (Annexure P-6), filed by the petitioner/defendant under Order 6 Rule 17 of the Code of Civil Procedure,



1908 (in short 'CPC') for amendment of the written statement, has been dismissed.

2. Learned counsel for the petitioner/defendant submits that during the cross-examination of the petitioner/defendant, certain questions were put by respondent No.1 (plaintiff before the Trial Court) regarding the complaint/application dated 27.06.2018 made by respondent No.1/plaintiff before the Senior Superintendent of Police, Barnala, and for registration of an FIR under Section 420 of the Indian Penal Code, 1860, against the petitioner, for executing an agreement to sell dated 07.08.2015 by putting pressure upon him and extracting additional amount from him. Learned counsel submits that when the petitioner/defendant filed written statement, the above said facts were not in his knowledge, therefore, he could not incorporate the same in his written statement. Learned counsel submits that he wants to incorporate the above facts in the written statement, for proper adjudication of the case. Learned counsel for the petitioner/defendant submits that he does not want to lead any evidence on the proposed amendment and further undertakes to address final arguments before the learned Trial Court within a week after filing the amended written statement.

3. Learned counsel for respondent No.1/plaintiff, submits that learned Trial Court rightly dismissed the application (Annexure P-6), moved belatedly by the petitioner/defendant, when the case was fixed for final arguments. However, also submits that, given the undertaking by the learned counsel for the petitioner on his behalf that petitioner/defendant shall not lead any evidence after the amendment of the written statement and shall address the final arguments without any delay, he has no objection if



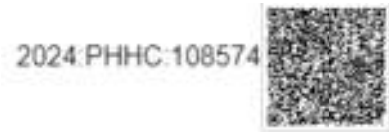
appropriate order is passed in this regard.

4. I have heard learned counsel for the parties and perused the paper-book with their able assistance.

5. The power of the Court to allow the amendment is wide and can be exercised at any stage of the proceeding in the interest of justice. The main purpose of allowing the amendment is to minimize the litigation between the parties. It is a well-settled position of law that all amendments which are necessary for the purpose of determining the real questions in controversy between the parties should be allowed if it does not change the basic nature of the suit. Having considered the application (Annexure P-6) for amendment of written statement, in the light of pleadings of the parties and settled principles of law that the Court should be liberal in granting the prayer for amendment and should bring all the pleadings of the parties on record for effective and complete adjudication of the matter before it amendment should have been allowed by the learned Trial Court. Further, petitioner/defendant submits that he will not lead any evidence on his amended pleadings and also undertakes to address final arguments, accordingly the impugned order dated 21.05.2024 (Annexure P-7) is set aside and application for amendment of written statement is allowed.

6. Petitioner is directed to file amended written statement within a week from today. As per the undertaking given by learned counsel for the petitioner/defendant before this Court, the parties shall address final arguments subject to the convenience of the learned Trial Court.

7. It is made clear that none of the parties shall seek any undue adjournment in this regard. The respondent No.1/plaintiff is also at liberty



to file replication or rejoinder, if any, to the amended written statement so filed by the petitioner.

- 8. The instant revision petition is allowed in the above terms.
- 9. Pending miscellaneous application(s), if any, is/are disposed of accordingly.

AUGUST 22, 2024
d.gulati

(RITU TAGORE)
JUDGE

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