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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6721-2023 (O&M)
Date of decision : 20.01.2024

M/s Jubilee Enterprises and Another ... Petitioner(s)

Versus

Mohinder Singh and Another ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Dhivya Jerath, Advocate for the petitioners.

ALKA SARIN, J. (ORAL)

CM-476-CII-2024

This is an application for preponing the date of hearing in the main case from 22.03.2024 to an early date.

For the reasons stated in the application, the same is allowed. With the consent of the learned counsel for the applicant-petitioners, the main case is taken on Board today itself.

CR-6721-2023

1. The present revision petition has been preferred under Article 227 of the Constitution of India challenging the impugned order dated 02.11.2023 (Annexure P-3) whereby the application filed by the defendant-petitioners for amendment of the written statement has partly been allowed.
2. Brief facts relevant to the present *lis* are that the plaintiff-

respondent No.1 herein filed a suit for possession. The defendant-petitioners filed their written statement. When the case was fixed for the evidence of the plaintiff-respondent No.1, the present application for amendment of the written statement was filed. Vide the impugned order dated 02.11.2023 (Annexure P-3), the application has partly been accepted by allowing the amendment in para 4 of the preliminary objections and in para 3 on merits subject to correction of the typographical mistake in the proposed amendment. The said application has been allowed subject to the payment of costs of Rs.2,000/-. Hence, the present revision petition.

3. Learned counsel for the defendant-petitioners has contended that qua the first amendment which is sought in para 4 on merits, she does not wish to press. Qua the amendment sought in para 5 of the written statement, the learned counsel for the defendant-petitioners would contend that the petitioners only want to add the line *“the sale deed being not properly stamped or registered is inadmissible in evidence”*.

4. Heard.

5. In the present case the application for amendment of the written statement was partly allowed vide the impugned order dated 02.11.2023 (Annexure P-3). The amendment as stated in para 5(a) of the application has been given up by the learned counsel for the defendant-petitioners. However, the learned counsel for the defendant-petitioners has pressed for the amendment mentioned in para 5(b) of the application. The amendment which the petitioner is seeking in para 5(b) of the application is an objection

which can well be taken at the time of tendering the documents by the plaintiff-respondent No.1. The objection regarding admissibility of a document cannot possibly be taken in the written statement because the evidence in the present case is still at the initial stage and the evidence of the plaintiff-respondent No.1 has just commenced and the documents are yet to be tendered.

6. In view of the above, I do not find any merit in the present revision petition which is accordingly dismissed. Pending applications, if any, also stand disposed off.

20.01.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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