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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-7218-2024

Date of decision : 17.12.2024

Jagdish Kumar @ Jagdish Kumar Verma

... Petitioner

Versus

Asha Jindal and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rakesh Chopra, Advocate and
Mr.Sharan Chopra, Advocate
for the petitioner.

Mr.Arvind Kashyap, Advocate
for respondent no.1.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 07.11.2024 passed by the Civil Judge (Jr.Div.), Fatehgarh Sahib, vide which the application filed by the petitioner-defendant for seeking amendment of the written statement has been dismissed.

2. On 11.12.2024, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case inadvertently the word “not” has not been mentioned in paragraph 3 of the written statement in front of the word “correct”. It is submitted that a reading of the paragraph no.3



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*would show that the same is apparently an inadvertent mistake and has submitted that the said mistake can be rectified even after the issues have been framed. In support of the arguments, learned counsel for the petitioner has relied upon the judgment of the Coordinate Bench of this Court in case titled as “**Sumeer Jassal vs. Smt.Pushpa Rani and others**” reported as **2012(3) PLR 311**. It is submitted that for the inconvenience caused to the respondent no.1-plaintiff, the petitioner is ready to pay the adequate cost.*

Notice of motion for 17.12.2024.

Notice re: stay.

Liberty is granted to the petitioner to serve the respondents through dasti process and through the counsel appearing before the trial Court.

The petitioner is directed to bring a demand draft of Rs.20,000/- in the name of the respondent no.1 on the next date of hearing.

It is made clear that in case, the demand draft of Rs.20,000/- is not brought on the next date of hearing, then the present petition would be liable to be dismissed.

To be shown in the urgent list.

December 11, 2024”

3. Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, the petitioner has prepared a demand draft of Rs.20,000/- in the name of respondent no.1 and has handed over the same to learned counsel for respondent no.1, which fact has been reiterated by learned counsel for respondent no.1.

4. Learned counsel for contesting respondent no.1 has submitted that in case the amended written statement as proposed by the petitioner is

to be allowed, then respondent no.1 should be granted opportunity to file



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replication and one opportunity be also granted to lead evidence as the plaintiff has already closed her evidence.

5. Learned counsel for the petitioner has submitted that he has no objection to the said course of action.

6. Keeping in view the abovesaid facts and circumstances and the fair stand taken by learned counsel for the petitioner and respondent no.1, the present revision petition is partly allowed and order dated 07.11.2024 is set aside with the following observations/directions:-

- i) The petitioner would be permitted to file amended written statement as proposed by the petitioner on or before 07.01.2025, which is the next date before the trial Court.
- ii) The trial Court would grant one opportunity to respondent no.1-plaintiff to file replication and also grant one effective opportunity to respondent no.1-plaintiff to lead further evidence regarding the same and thereafter, the matter would proceed from the stage as it is at present.

(VIKAS BAHL)
JUDGE

December 17, 2024.
Davinder Kumar

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