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

CR-108-2023

Date of decision: 16.07.2025

Harbans Kaur

...Petitioner

Versus

Bhupinder Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jaideep Verma, Advocate for the petitioner.

Mr. Parunjeet Singh, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 09.12.2022 (Annexure P-4) passed by the Civil Judge (Junior Division), Ludhiana in CS/2939/2015 titled as “Bhupinder Kaur Vs. Harbans Kaur” whereby the amendment of the written statement has been declined.

2. Learned counsel for the petitioner has submitted that in the present case, after noticing the arguments raised on behalf of the petitioner, the Coordinate Bench of this Court, vide order dated 31.01.2023, was pleased to issue notice of motion and also stayed the passing of the final order. The said order dated 31.01.2023, which has been highlighted, is reproduced hereinbelow:-



“CM-1827-CII-2023

This is an application for preponment of the date of hearing in the main case (CR-108-2023) from 16.03.2023 to an early date.

For the reasons stated in the application, the same is allowed and the main case is taken on Board today itself for hearing.

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Learned counsel for the defendant-petitioner would contend that the proposed amendment would not change the stand taken by the defendant-petitioner since the only amendment sought is that earlier it had been mentioned that the signatures were taken in the police station and now it is sought to be stated that the signatures had been taken at their residence. It is further the contention of the learned counsel that no further evidence is required in this regard as also that no prejudice would be caused to the plaintiff-respondent and that he is willing to compensate the plaintiff-respondent by way of costs.

Notice of motion, returnable 05.07.2023.

Meanwhile, the proceedings shall continue. However, the Trial Court may not pass the final order.

January 31, 2023”

3. Learned counsel for the petitioner has further submitted that the amendment sought to be added in the present case is on a limited point to the effect that in the written statement, the petitioner/defendant wishes to aver that the signatures on the agreement to sell dated 14.05.2015 were got by the plaintiff under duress at her house, since in the earlier written statement, it had been mentioned by mistake by the previous counsel that the said signatures were taken in the Police Station. It is submitted that only



to the said limited extent, the amendment is sought by the petitioner and the said amendment would not change the nature of the case.

4. Learned counsel for the respondent, on the other hand, has submitted that in the present case, the plaintiff has already led her entire evidence and even five witnesses of the defendant have been examined and cross-examined at length and has submitted that in case the amendment on the said limited aspect is to be allowed, then, the petitioner should be bound by the statement made at the time of issuance of notice of motion that the petitioner would not lead any further evidence and would also reasonably compensate the respondent for the delay caused in the proceedings and would also not delay the proceedings any further.

5. Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner would not lead any further evidence and is also ready to compensate the respondent for the delay caused in the proceedings on account of the said amendment application and has further submitted that the petitioner would not further delay the proceedings in any manner.

6. Keeping in view the abovesaid facts and circumstances and fair stand taken on behalf of learned counsel for the petitioner as well as learned counsel for the respondent, the present revision petition is disposed of with the following observations/directions:-

- i) Order dated 09.12.2022 is set aside and the amendment application filed by the petitioner is allowed subject to the petitioner filing the amended written statement within a period of two weeks from today by moving an application before the trial Court. Same would also be subject to the petitioner depositing an amount of Rs.15,000/- within



the aforesaid period before the trial Court, which would be released to the respondent-plaintiff by the trial Court.

- ii) It is made clear that in case, the petitioner does not file the amended written statement within the aforesaid period and the said amount is not deposited within the aforesaid period, then, the present revision petition would be deemed to have been dismissed.
- ii) As undertaken before this Court, the petitioner would not lead further evidence and would also not delay the proceedings before the trial Court.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

16.07.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No