

CR-3181-2018(O&M)

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2025:PHHC:170497



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-3181-2018(O&M)

Date of decision : 08.12.2025

Sanjeev Kumar and others

... Petitioners

Versus

Jagdish Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ajay Jain, Advocate
for the petitioners.

Mr.Gulshan Nandwani, 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 09.04.2018 (Annexure P-6) passed by the Civil Judge (Jr.Div.), Rewari, vide which the application moved by respondent no.1 (defendant) to amend the written statement has been allowed.

2. Learned counsel for the petitioners has argued that in paragraph 5 of the impugned order, it has been observed by the trial Court that the case is at pre-trial stage and certain judgments in paragraph 6 have been referred to with respect to pre-trial stage. It is submitted that although in the subsequent paragraph, the law with respect to the amendment of the plaint



being allowed after commencement of trial has also been considered but again in paragraph 8 it has been observed that the case is at the initial stage. It is submitted that it is the specific case of the petitioner in the reply filed to the application under Order 6 Rule 17 CPC that 14 witnesses have been examined and thus the observations made, more so, in paragraphs 5, 6 and 8 are contrary to record. It is argued that it was the specific objection of the petitioners in the reply filed to the application filed for amendment of the written statement that respondent no.1 was withdrawing a material admission, made in the written statement to the effect that he was in possession of the excess area of 19 square yards and had paid money regarding the same. It is submitted that the trial Court has not given any reason as to how it has come to the conclusion that the said amendment is typographical and an inadvertent mistake and not a withdrawal of the said admission. It is submitted that at any rate, no valid reasoning has been given in the impugned order for allowing the amendment. It is thus prayed that at any rate the impugned order be set aside and the trial Court be directed to decide the application for amendment filed by respondent no.1 afresh.

3. Learned counsel for respondent no.1 has submitted that in case the matter is to be remanded and the application is to be considered afresh, respondent no.1 be also permitted to raise all arguments in his favour.

4. Keeping in view the above said facts and circumstances and the stand taken on behalf of the petitioners and respondent no.1 and after taking into consideration the fact that the objection raised on behalf of the



petitioners in the reply to the application under Order 6 Rule 17 CPC has not been fully dealt with in the impugned order, the present petition is disposed of and the impugned order is set aside and the trial Court is directed to decide the application for amendment filed by respondent no.1 under Order 6 Rule 17 CPC afresh, within a period of two weeks from the next date of hearing.

5. It is made clear that this Court has not opined on the merits of the application for amendment and the trial Court would decide the application afresh after hearing both the sides in accordance with law.

(VIKAS BAHL)
JUDGE

December 08, 2025.
Davinder Kumar

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