



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

247

CR-8559-2016 (O&M)

Date of Decision : 13.02.2025

MANOHAR LAL ARORA (DECEASED)
THR LRS AND ORS

.... Petitioners

VERSUS

Dr. JITANDER NATH KALIA AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Supriya Arora, Advocate for the petitioners.

Mr. D.K. Singal, Advocate and
Mr. Manav Singal, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India challenging the order dated 23.11.2016 (Annexure P-7) passed by the learned Additional Civil Judge (Senior Division), Kalka whereby the application filed by defendants No.1 to 4-petitioners herein under Order 6 Rule 17 CPC was dismissed.

2. Brief facts relevant to the present *lis* are that plaintiff-respondent No.1 herein filed a suit for possession of land measuring 0 Bigha 6 Biswas. The defendants No.1 to 4-petitioners herein filed their written statement. After the evidence of plaintiff-respondent No.1 was concluded, an application for amendment of the written statement was filed on 07.10.2016. Reply was filed to the said application. Vide impugned order dated 23.11.2016 the said application was dismissed.

3. The plea in the application for amendment was that plaintiff-respondent No.1 had filed one petition under Section 482 Criminal Procedure Code, 1973 being CRM-M-32771-2010 and the said petition was dismissed with costs of ₹10,000 (rupees ten thousand) by this Court vide order dated 12.03.2012. The defendants No.1 to 4-petitioners wanted to incorporate a paragraph in the written statement qua the said petition being CRM-M-32771-2010 and also wanted to make some additions in para No.8 of the written statement.

4. Learned counsel for the defendants No.1 to 4-petitioners would contend that now the matter is at the stage of final arguments. However, the final order has not been passed in view of the stay granted by this Court vide order dated 17.02.2017.

5. *Per contra*, learned counsel for plaintiff-respondent No.1 would contend that the petition being CRM-M-32771-2010 was only for issuance of directions to the State to register a case against respondents No.7 to 12 therein. The said petition was dismissed vide order dated 12.03.2012 only on the ground that no complaint had been received by the official respondents as per the reply filed by them and hence the petition was dismissed with costs of ₹10,000 (rupees ten thousand) having been filed on false averments. It is further the contention that the said facts were to the knowledge of defendants No.1 to 4-petitioners and that nothing turns on the order dated 12.03.2012 passed by this Court.

6. Heard.

7. In the present case the amendment sought is qua incorporating the factum of the petition being CRM-M-32771-2010 as also to amend para No.8 of the written statement. It is the contention of the learned counsel for defendants No.1 to 4-petitioners that the entire evidence now stands led in view of the proposed amendment and no further evidence is required to be led. In view of the fact that no further evidence needs to be led, as stated by the learned counsel for defendants No.1 to 4-petitioners, the present petition is allowed and the application filed by defendants No.1 to 4-petitioners under Order 6 Rule 17 CPC for amendment of the written statement is allowed subject to payment of ₹20,000 (rupees twenty thousand) as costs to be paid to plaintiff-respondent No.1. The payment of costs shall be a condition precedent.

8. However, it is made clear that, as stated by the learned counsel for defendants No.1 to 4-petitioners, no further evidence would be allowed to be led. The Trial Court is requested to decide the matter expeditiously.

9. Pending applications, if any, also stand disposed off.

13.02.2025

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*