

**IN THE HIGH COURT OF PUN JAB AND HARYANA AT CHANDIGARH**

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CR-850-2023 (O&M)**Date of Decision : 23.05.2025**

Vineet Sehgal

....Petitioner

VERSUS

Narender Saini and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. N.P.S. Kohli, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 16.11.2022 whereby the application filed by the defendant-respondent No.1 for amendment of the written statement has been allowed.

2. The brief facts relevant to the present *lis* are that plaintiff-petitioner herein filed a suit for possession of land measuring 8 Kanals fully described in the plaint by way of specific performance of agreement to sell dated 27.01.2012. In the written statement filed by defendant-respondent No.1, in the preliminary objections, a specific stand was taken that an amount of ₹12,50,000/- was not received on behalf of defendant-respondent Nos.2 to 4 and that the said amount of ₹12,50,000/- was received only on account of his own share in the property in dispute and in good faith. It was further stated that the receipt qua ₹28,00,000/- was forged and fabricated.

However, in the subsequent paragraphs the said plea was not clarified. Present application has been filed for amendment of the written statement seeking the following amendment :

(i) *That the defendant No.1 intends to delete the remaining lines after the word “before 31.03.2012 from para No.3 of the WS on merits.*

(ii) *The defendant No.1 also intends to delete the words “as the plaintiffs have not paid the said amount of ₹12,50,000/- to the answering defendant from para no.4 on merits of the written statement after the word "contact" and before the word “All the allegations”.*

Further he intends to add the following lines :

(iii) *“The defendant no.1 has received the said amount of ₹12,50,000/- of his own share in the property in question, and in good faith, the plaintiffs succeeded to get the signatures of the defendant no.1 on the back side of the agreement, which was blank, and he only came to know after obtaining the papers from the Ld. Court and he was surprised to know that the plaintiffs have forged and fabricated the alleged endorsement of extension of time and receipt and wrote amount of ₹28,00,000/- instead of ₹12,50,000/- as well as get extended the date for execution of sale deed from 27.08.2012 to 22.04.2013.”*

(iv) *The defendant No.1 also intends to delete the following lines from para no.5 of the written statement on merits after the word “denied”.*

“No amount has been paid by the plaintiffs to the answering defendant as per terms and conditions of the agreement to sell.”

3. Reply was filed to the said application. Vide the impugned order the amendment application was allowed. Hence, the present revision petition.

4. Learned counsel for the plaintiff-petitioner would contend that the said amendment application had been filed at the fag-end of the trial and that the defendant-respondent No.1 is now trying to wriggle out of the admissions made by him, which is likely to cause prejudice to the plaintiff-petitioner and hence the amendment could not have been allowed.

5. *Per contra* learned counsel for the defendant-respondent No.1 would contend that the foundation of the amendment now sought was already laid in the preliminary objections where it was categorically stated that the amount of ₹12,50,000/- was not received on behalf of defendant-respondent Nos.2 to 4 but on his own behalf. Further it was stated that the receipt qua ₹28,00,000/- was forged and fabricated. However, the said facts were not clarified and therefore the amendment is only clarificatory in nature.

6. Heard.

7. In the present case the amendment sought as reproduced above is only qua the payment of ₹12,50,000/- which the defendant-respondent No.1 herein had admitted having received for his own share in the property in question, however, the said fact did not find mention in the reply on merits. Further still, the receipt qua ₹28,00,000/- is also stated to be forged and fabricated in the preliminary objections. However, yet again in the reply on merits the said fact was not reiterated. The foundation of the amendment is already there in the preliminary objections and the amendment now sought is clarificatory in nature. The counsel for defendant-respondent No.1 had made a statement before the Trial Court on 14.11.2022 that in case the application is allowed, he would not lead any further evidence.

8. In view of the fact that the amendment sought is only clarificatory in nature and would be required for determining the controversy in dispute, I do not find any merit in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

23.05.2025
jk

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