



115

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

CR-976-2021 (O&M)

Date of Decision : 20.08.2025

Jasvir Singh & Ors

... Petitioner(s)

Versus

Chattar Singh & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Siddharth Gupta, Advocate for the petitioners.

Mr. J.K. Singla, Advocate for the respondents.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 26.03.2021 whereby the application filed by the defendant-petitioners under Order 6 Rule 17 of the Code of Civil Procedure, 1908 for amendment of the written statement has been dismissed.

2. Learned counsel for the defendant-petitioners states that in case the amendment application is allowed, the defendant-petitioners would not lead any evidence as the evidence of the parties stands concluded.

3. *Per contra*, learned counsel for the plaintiff-respondents has contended that by way of the amendment not only are the defendant-petitioners wanting to introduce khasra numbers qua the passage which they alleged has been left out from their own property for ingress and egress but have also raised a new plea regarding a family settlement during partition which is recorded vide the mutation No.7992. Learned counsel would further

contend that the introduction of this new plea at this belated stage would amount to a *de novo* trial as even though the defendant-petitioners may not want to lead any evidence, the plaintiff-respondents cannot be taken by surprise as this is the first time such a plea is being taken which would require an issue to be framed and evidence to be led in this regard.

4. Faced with the same, learned counsel for the defendant-petitioners states that he would not press his application qua the amendment where the plea of the family settlement has been stated.

5. In view of the above and keeping in view the fact that the amendment is qua the detailing of the khasra numbers regarding a passage which had already been pleaded in the unamended written statement, the application for amendment is allowed only to the limited extent that the defendant-petitioners are permitted to give the khasra numbers of the passage which already stands mentioned in the unamended written statement. However, the plea qua the family settlement which is being sought to be raised by the amendment stands rejected. It is made clear that no further evidence would be led in regard to the amendment permitted by either of the parties.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

7. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

20.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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