



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3341-2025

Date of Decision: 28.05.2025

PARAMJIT KAUR

...PETITIONER

Vs.

SURJIT SINGH AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Amandeep Singh Manaise, Advocate, for the petitioner.

DEEPAK GUPTA, J.

Petitioner herein is defendant No.2 in *Civil Suit No.1132 of 2020* titled as '*Surjit Singh and another Vs. Balkar Singh and another*' pending before the learned Civil Judge (Jr. Division), Batala. She is aggrieved by the order dated 15.04.2025 (*Annexure P6*), whereby her application for amendment of the written statement has been declined. She further assailed the order dated 05.02.2025 (*Annexure P3*), whereby cross-examination of PW5 and PW6 was treated as 'Nil'; and the subsequent order dated 15.04.2025 (*Annexure P9*), whereby the application to recall the order dated 05.02.2025 was dismissed.

2. Learned counsel for the petitioner has been heard at considerable length.

3. It is found that plaintiffs had specifically pleaded existence of one electricity connection bearing A/c No. G72RM741028M in the suit property in the name of Karam Singh, who was the original owner. In corresponding para of the written statement, the defendants including the petitioner did not deny the said fact. The trial commenced. Plaintiffs had already examined five witnesses, when the application for amendment of the written statement was moved so as to contend that another electricity connection bearing A/c No. G72R11742411X was installed in the name of son of the defendants namely Swarnjit Singh.

4. It is not disputed by counsel for the petitioner that the factum regarding the existence of separate connection bearing A/c No.

G72R11742411X in the name of Swarnjit Singh was not disclosed in the initial written statement and rather, in the written statement, the defendants had admitted the existence of electricity connection, as pleaded by the plaintiffs.

5. In view of the aforesaid circumstances, this Court does not find any illegality or perversity in the impugned order dated 15.04.2025 (*Annexure P6*), whereby the prayer for amending the written statement was declined, particularly considering the stage at which the application was moved.

6. However, as far as the order dated 05.02.2025 is concerned, the cross-examination of PW5 and PW6 was treated as 'Nil' as counsel for the petitioner-defendant had not appeared. The Court declined to recall the said order as per the order dated 15.04.2025 (*Annexure P9*). Learned counsel prays for granting one opportunity to the petitioner - defendant to cross-examine PW5 and PW6.

7. Without issuing notice of motion to the respondents, lest it may delay the proceedings, the request of the petitioner to the aforesaid extent is accepted. Setting aside the order dated 05.02.2025 (*Annexure P3*) and 15.04.2025 (*Annexure P9*), trial Court is directed to provide one opportunity to the petitioner-defendant to cross-examine PW5 and PW6. This is subject to the condition that petitioners will pay a cost of ₹10,000/- to the plaintiffs-respondents herein by way of demand draft before the date, which is to be fixed by the trial Court for conducting the cross-examination of PW5 and PW6. The respondents shall produce PW5 and PW6 at their responsibility on the date to be fixed by the trial Court.

Disposed of accordingly.

(DEEPAK GUPTA)
JUDGE

28.05.2025
Vivek

Whether speaking/reasoned?	Yes
Whether reportable?	No