

**CR No. 6680 of 2025**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CR-6680-2025 (O&M)**  
**Decided on : 19.09.2025****Bhupinder Singh & Ors.****.....Petitioners****Versus**

Dalwinder Singh &amp; Anr.

**.....Respondents****CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:** Mr. Amit Dhawan, Advocate,  
for the petitioners.**DEEPAK GUPTA, J.**

Petitioners herein are defendants in Civil Suit bearing CS No. 5808 of 2018 titled as '*Dalwinder Singh Vs. Harjinder Singh & Ors.*', pending before learned Civil Judge (Jr. Divn.), Jalandhar. By way of this petition filed under Article 227 of the Constitution, they have assailed the order dated 07.08.2025 (*Annexure P-6*) passed by the trial Court, whereby their application under Order VI Rule 17 CPC for amendment of the written statement, was declined.

2. It is contended by learned counsel that property, which is the subject matter of the dispute, is ancestral in nature. The petitioners-defendants could not plead certain facts and, therefore, they wanted to incorporate true facts by adding para No. 6-A in the preliminary objection to the effect that, as to how Santokh Singh, through whom the parties to the litigation claim rights, had inherited the property from his forefathers and that an oral partition had later on taken place, which was reduced into memorandum of family settlement in the year 1987. However, the said application has been wrongly declined.

3. It is contended that the petitioners only want to explain as to how the property in dispute was ancestral in nature.



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4. After going through the paper-book and the impugned order, this Court does not find merit in the contention.
5. It is noticed that suit was filed way back in November, 2018. After settlement of issues, plaintiff had already closed his evidence. Even the defendants-petitioners had already examined two witnesses, when the instant application was moved.
6. It is, thus, clear that trial had commenced much earlier, when the present application was moved and as such, amendment could not have been allowed in view of proviso to Rule VI Rule 17 CPC.
7. Apart from this, the pleas, which the petitioners-defendants wanted to incorporate by way of the amendment in the written statement, were already in their knowledge at the time of filing of the written statement. Therefore, the trial Court did not commit any error in dismissing the application after noticing that the application had been moved at the fag end of the trial, when it was fixed for the evidence of the defendants with last opportunity.
8. In the aforesaid facts and circumstances, in the absence of any illegality or perversity in the impugned order, there is no merit in the instant revision petition. Dismissed.

**19.09.2025**

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**(DEEPAK GUPTA)  
JUDGE**

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|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether reportable        | : Yes/No |