

**CR-9096-2025(O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****137****CR-9096-2025(O&M)
Date of Decision: 11.12.2025**

Satish Kumar

....Petitioner

VERSUS

Sukhwinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Hardeep Singh, Advocate, for the petitioner.

*********AMARINDER SINGH GREWAL,J. (ORAL)**

1. The present civil revision under Article 227 of the Constitution of India for setting aside orders dated 26.11.2025(Annexure-P5) passed by the learned Civil Judge (Junior Division) Patiala, whereby, the application preferred by the petitioner(defendant No.1) under Order VI Rule 17 CPC for amendment of written statement has been dismissed.
2. Succinctly, the facts of the case are that the respondent no. 1(plaintiff) instituted a suit for possession by way of specific performance of an agreement to sell dated 10.06.2019, seeking a direction to the petitioner(defendant No.1) for execution and registration of the sale deed in respect of a shop measuring 35 sq. yards, along with a suit for permanent injunction restraining the petitioner and other defendants and their agents from alienating, transferring, mortgaging, or otherwise disposing of the suit property. The petitioner/defendants entered appearance and filed their written statement as well as reply to the respondent's application under

**CR-9096-2025(O&M) 2**

Order XXXIX Rules 1 and 2 CPC, denying the allegations therein. During the pendency of the suit, the petitioner(defendant No.1) moved an application under Order VI Rule 17 CPC seeking amendment of the written statement, which the learned trial Court dismissed vide order dated 26.11.2025. Aggrieved thereby, the petitioner has filed the present revision petition.

3. Learned counsel for the petitioner(defendant No.1) contends that the learned trial Court erred in dismissing the application under Order VI Rule 17 CPC without appreciating that the proposed amendment was essential for determining the real issues in controversy and for enabling an effective adjudication of the matter. It is urged that the amendment neither alters the nature or character of the suit nor introduces any new cause of action, and was sought bonafidely upon discovery of material facts during preparation of rebuttal evidence. It is further submitted that rejection of the amendment would lead to multiplicity of proceedings, contrary to the principles of judicial economy; and that mere delay cannot by itself constitute a ground for refusal when no prejudice is caused to the opposite party. Lastly, the amendment was necessary for complete and final adjudication of the dispute; and that failure to allow the same has resulted in grave prejudice to the petitioner, causing irreparable loss unless the impugned order dated 26.11.2025 is set aside.

4. Having heard learned counsel for the petitioner and upon perusal of the record, this Court finds no reason to interfere with the well-reasoned order passed by the learned Trial Court on 26.11.2025 dismissing

**CR-9096-2025(O&M) 3**

the petitioner's application under Order VI Rule 17 CPC. The procedural history would show that the suit for possession by way of specific performance was instituted on 22.10.2021, the petitioner/defendants filed their written statement denying the agreement, and thereafter the matter proceeded through the stages of evidence. It is only on 19.11.2025, at the stage of rebuttal evidence and final arguments, that the petitioner moved the present application seeking amendment of the written statement, which was contested by the respondent through reply dated 24.11.2025. The statutory scheme under the proviso to Order VI Rule 17 CPC clearly mandates that no amendment shall be permitted after the settlement of issues unless the party seeking amendment is able to establish that despite exercise of due diligence, the matter could not have been raised earlier. The application in the present case was filed at a highly belated stage after more than four years of pendency of the suit, and the petitioner has failed to demonstrate any circumstance to show that the facts sought to be introduced were not within their knowledge or could not have been pleaded earlier.

5. The learned trial Court also rightly observed that the proposed amendment has been filed to introduce new facts, which, if permitted, would alter the nature of the suit and inevitably lead to reopening of the trial, thereby causing further delay in a case already pending for over four and a half years. This Court finds merit in the learned trial Court's conclusion that allowing such an amendment at this stage would not only be contrary to the mandate of the proviso but would also result in a de-novo trial, which is impermissible. The petitioner has failed to show any justification for

**CR-9096-2025(O&M) 4**

waiting until the stage of rebuttal evidence to move such an application. The finding of the learned trial Court is in consonance with the principles laid down by the Hon'ble Supreme Court in Baldev Singh & Ors. v. Manohar Singh & Ors., AIR 2006 SC 2831, as well as the settled law in Vidyabai v. Padmalatha, (2009) 2 SCC 409, and Revajeetu Builders v. Narayanaswamy, (2009) 10 SCC 84, which emphasise that after commencement of trial, strict compliance with the due-diligence requirement is mandatory and belated amendments that alter the nature of the case cannot be permitted. Moreover, in the application under Order VI Rule 17 read with Section 151 CPC, the petitioner merely asserted that certain facts came to light during preparation for rebuttal evidence, which indicates a casual approach and does not satisfy the requirement of due diligence mandated by law.

6. Therefore, no ground for interference under Article 227 of the Constitution is made out. Accordingly, the petition stands dismissed.

7. Miscellaneous application(s), if any, also stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

11.12.2025

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No