



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(129)

CR No. 2316 of 2026 (O&M)

Date of Decision : 11.03.2026

Sahil Verma

...Petitioner

Versus

Dharambir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Preet Harinder Singh Pannu, Advocate for the petitioner.

Amarinder Singh Grewal, J. (Oral)

1. The present civil revision petition has been filed under Article 226/227 of the Constitution of India challenging the impugned order dated 06.11.2025 (Annexure P-2) passed by learned Addl. Civil Judge (Sr. Divn.), Patiala, whereby the application filed by the petitioner-defendant under Order VI Rule 17 CPC of the Code of Civil Procedure, 1908 for amendment of the written statement was dismissed.

2. Record would reveal that respondent-plaintiff Dharambir Singh and others filed a suit for recovery of ₹20,00,000/- along with interest against the present petitioner-defendant. The petitioner contested the suit through his attorney holder Ravi Kumar and filed the written statement. On completion of pleadings, issues were framed. The plaintiffs led their evidence and thereafter, the defendant also examined four witnesses in his defence. Thereafter, the petitioner-defendant moved an application under



Order VI Rule 17 CPC seeking amendment of the written statement. The said application was contested by the respondents-plaintiffs.

3. After hearing respective counsel for the parties, the learned Addl. Civil Judge (Sr. Divn.), Patiala vide impugned order dated 06.11.2025, dismissed the application.

4. Learned counsel for the petitioner contended that in the application under Order VI Rule 17 CPC for amendment of written statement, the petitioner-defendant sought to incorporate the fact that the petitioner-defendant had earlier lodged a complaint dated 08.08.2017 before the police authorities narrating the background of the transaction between the parties. He further contended that the proposed amendment was also sought to clarify that Jaspal Singh, in whose favour sale deeds were executed, was a necessary and proper party for complete and effective adjudication of the dispute and that the plaintiffs had not disclosed the true nature of the transaction in the suit. It was submitted that the proposed amendment was explanatory and clarificatory in nature and was necessary for proper adjudication of the real controversy between the parties. Thus, it was submitted that dismissing the application by the learned trial Court has resulted into serious prejudice to the defence of the present petitioner. Prayer was made that the impugned order dated 06.11.2025 be set-aside and the application under Order VI Rule 17 CPC be allowed.

5. In view of the order proposed to be passed, notice is not being issued to the respondent as it would unnecessarily delay the proceedings and also entail additional expenses for the respondents.



6. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

7. On hearing, learned counsel for the petitioner and as discussed above, the application under Order VI Rule 17 CPC was filed by the petitioner when the petitioner had already examined four witnesses in his defence. Order VI Rule 17 of the Civil Procedure Code (CPC), 1908, allows the Court to permit amendment of pleadings (plaint or written statement) at any stage of the proceedings. However, the proviso inserted by the Code of Civil Procedure (Amendment) Act, 2002 restricts the power of the Court to allow amendments after the commencement of trial unless the court comes to the conclusion that despite due diligence, the party could not have raised the matter before commencement of trial.

8. Further this Court is of the view that mere expression such as oversight or negligence is not sufficient to get the pleadings amended. Rather, the parties are only required to establish due diligence that the fact which is sought to be amended, was not in its knowledge.

9. The Hon'ble Supreme Court of India in ***Revajeetu Builders and Developers v. Narayanaswamy and Sons*** (2009) 10 SCC 84 and ***Life Insurance Corporation of India v. Sanjeev Builders Pvt. Ltd.*** (2022) 16 SCC 1 has reiterated that though amendments to pleadings are to be liberally allowed, the proviso to Order VI Rule 17 CPC mandates that once the trial has commenced, the party seeking amendment must establish that despite due diligence the matter could not have been raised earlier.

10. In the present case, the application for amendment was filed after the plaintiffs had concluded their evidence and even the defendant had



also examined four witnesses in his defence. Thus, the trial had not only commenced but had substantially progressed.

11. The explanation furnished by the petitioner in the application is that while preparing the affidavit for evidence, the attorney holder Ravi Kumar realized that the previous counsel had not drafted the written statement in accordance with the facts disclosed in the complaint dated 08.08.2017. However, the said complaint admittedly existed much prior to the filing of the written statement and was within the knowledge of the petitioner and his attorney holder. Therefore, it cannot be said that despite due diligence the petitioner could not have raised the matter earlier.

12. The plea that the earlier counsel did not incorporate the correct facts cannot, by itself, satisfy the requirement of due diligence under the proviso to Order VI Rule 17 CPC. Mere oversight, negligence or change of strategy cannot be a ground to permit amendment at such a belated stage.

13. In view of the law laid down by the Hon'ble Supreme Court in the judgments referred to above and considering the stage at which the amendment was sought, this Court is of the opinion that the learned trial Court has rightly dismissed the application by holding that the petitioner failed to establish due diligence for seeking amendment after commencement of trial.

14. No illegality or perversity has been found in the impugned order warranting interference in exercise of supervisory jurisdiction under Articles 226/227 of the Constitution of India.

15. Consequently, the present civil revision petition is dismissed.



16. Pending miscellaneous applications, if any, also stand disposed of.

March 11, 2026
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No