

2026:PHHC:065305



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

CR-3593-2026

Date of Decision: 29.04.2026

KULWANT SINGH SAINI THROUGH LRS

....Petitioner

Versus

JASPREET SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Pawan Kumar Mutneja, Senior Advocate with
Mr. Viranjeet Singh Mahal, Advocate
Ms. Suverna Mutneja, Advocate
for the petitioner.

Mr. Vaibhav Narang, Advocate
for the respondents.

PARMOD GOYAL, J. (ORAL)

Present civil revision petition has been preferred by petitioner/plaintiff under Article 227 of Constitution of India being aggrieved by impugned order dated 03.02.2026 (Annexure P-6), passed by learned Civil Judge (Junior Division), Amritsar whereby application filed by petitioner/plaintiff under Section 151 CPC for rejection of written statement filed by respondents/defendants after amendment in plaint was dismissed.

2. Admittedly, petitioner/plaintiff had sought amendment of plaint which was denied. Petitioner/plaintiff then preferred revision petition which was duly permitted by this Court vide order dated 30.09.2025. Petitioner/plaintiff was allowed to amend the plaint by inserting para No.6A in the plaint. After filing the amended plaint, written statement was preferred

by respondents/defendants.

3. It is the case of petitioner/plaintiff that by way of amended written statement respondents/defendants are trying to change the nature of the case by taking new pleas in their written statement and same is not permissible. It is asserted that respondents/defendants are only bound to reply to the amended part of the plaint and they cannot be allowed to withdraw their admissions.

4. On the other hand, learned counsel for respondents/defendants has asserted that after amendment of plaint, he has right to take up all the pleas available to him. It is asserted that since no admission has been withdrawn by respondents/defendants, therefore, amended written statement cannot be contested by petitioner/plaintiff.

5. Reliance has been placed by petitioner/plaintiff upon judgment of Hon'ble Supreme Court titled as **Heeralal Vs. Kalyan Mal & Ors.**, 1998 (1) SCC 278 and judgment of Delhi High Court titled as **Rukhsana Sultana Vs. Mohinder Kaur**, IA No.2303 of 1983 in Suit No.1358 of 1982. Judgments cited by learned counsel for petitioner/plaintiff clearly lays down that inconsistent pleas and admissions made in earlier written statement cannot be taken/withdrawn by way of amended written statement after amended plaint is filed.

6. Principle of law is clear that respondents/defendants cannot be allowed to take pleas inconsistent to the pleas already taken by them. Respondents/defendants cannot be allowed to withdraw their admissions which they had previously made in written statement. However, in the present case, no part of amended written statement would fall within the scope of withdrawal of admissions or inconsistent plea. On filing of written

statement, respondents/defendants are always entitled to take all their pleas available to them and their pleas cannot be restrained unless it is inconsistent with previous written statement or results in withdrawal of admission.

7. I do not find any error in the impugned order. The additional pleas, if any taken after amendment of plaint, cannot be held to be against law. Present revision petition is without any merit, hence is dismissed.

8. Pending application(s), if any, is/are disposed of accordingly.

29.04.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No