

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

127

CR-3923-2023

Date of decision : 09.02.2026

Pritam Singh

..... Petitioner

versus

Swaranjit Singh and others

..... Respondents

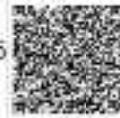
CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Nitish Garg, Advocate
for respondent No.1.

PANKAJ JAIN, J. (Oral)

1. Challenge is to the order dated 29.05.2023 (Annexure P-8) passed by Additional Civil Judge (Senior Division) SBS Nagar dismissing the application filed under Order VI Rule 17 CPC seeking amendment in the written statement by the defendant-petitioner.
2. Plaintiff filed suit seeking declaration to the effect that he is joint owner along with the plaintiff of an electric tubewell connection installed in land in dispute (as detailed out in the plaint). In the plaint, plaintiff pleaded an agreement dated 01.11.1983 claimed to have been executed by defendant No.1 admitting jointness of the tubewell connection. Defendant No.1 filed written statement. Though, contents of para No.4 of the plaint wherein the agreement was pleaded were denied, but agreement dated 01.11.1983 propounded by the plaintiff was not specifically denied.



3. Trial Court framed issues. Plaintiff led his evidence. During the course of evidence of defendant, he was confronted with the agreement dated 01.11.1983. The same led to filing of the present application under Order VI Rule 17 CPC, whereby the petitioner-defendant No.1 sought permission to amend written statement.

4. By way of proposed amendment, he wants to plead that the agreement dated 01.11.1983 is a forged and fabricated document and same is not binding upon the rights of defendant No.1. The application was opposed by plaintiff.

5. The said application has been dismissed by the Trial Court vide impugned order, holding that in terms of provisions as contained under order VI Rule 17 CPC, the party seeking amendment of pleading is required to show that despite due diligence, the plea could not have been raised prior to commencement of trial. The application being devoid of any explanation as to why the plea could not be raised, the defendant is not entitled to amend the written statement.

6. Counsel for the petitioner has assailed the order passed by the Trial Court. He submits that there was specific denial to the contents of para No.4 of the plaint in the written statement. The proposed plea sought to be incorporated by way of amendment is merely clarificatory and explanatory in nature and the same ought to have been allowed by the Trial Court.

7. *Per contra*, counsel for the respondent would submit that the agreement in question was specifically pleaded in the plaint. Defendant No.1 got all the opportunity to respond thereto. The execution of agreement propounded by the plaintiff was never denied.



Thus, by way of proposed amendment, defendant at this stage cannot be allowed to regal out of an implied admission made in the pleading.

8. I have heard counsel for the parties and have carefully gone through the records of the case.

9. The law of amendment of pleadings is quite liberal, where the amendment is sought by defendant to amend written statement as compared to amendment of plaint. At the same time, party seeking amendment of pleading after the commencement of trial, is required to show that the plea could not have been raised despite due diligence or that the plea is material for the adjudication of the matter in hand or has an effect of reducing the multiplicity of the litigation.

10. In the present case, plaintiff in the plaint specifically pleaded as under:-

“4. That defendant Pritam Singh in connivance with defendants No.2 to 4, its officials, prepared wrong documents and illegally got shifted the said tubewell connection to his other land, different than the joint khatta of the land where the said tubewell was initially got installed and by doing so he has adversely affected the legal rights and deprived plaintiff and defendants of their valuable rights to irrigate their land from the tubewell/connection in the dispute initially installed in the area of Kh. No.5/1 of Rect No. 29. Plaintiff made complaint to the district administration, Additional Deputy Commissioner, SBS Nagar summoned the officials of defendants No.3 to 5 to produce the relevant record but defendants 1 to 5 manipulated the record of shifting the said connection over the land of defendant No.2 who is none else but son of defendant Pritam Singh, hence plaintiffs were left with no remedy except filing the present suit. The said transfer and shifting of connection is illegal, unlawful and as such, legally required to be declared as such, defendants No.1 to 5 are legally bound to shift the said connection to its original site and location at Khasra No. 5/1 of Rect No.29 and



restore the user of the same by plaintiff and performa defendants for the irrigation of their land in the joint khatta. It is pertinent to mention here that similar attempts made previously were stopped by the electrify board on the basis of representation No. 1431 dated 14.05.2008 made by deceased Chanan Singh to SDO, PSEB, Rahon, alongwith copy of agreement dated 01.11.1983 executed by Pritam Singh admitting the jointness of tubewell connection and user of the same by Chanan Singh and Jagar Singh, copy of the said agreement is also attached herewith, alongwith copy of representation 28.11.2017 made by Paramjit Singh and Amarjit Singh to SDO, PSPCL Sub Division Rahon. Copy of complaint made to D.C. SBS Nagar dated 17.11.2017 is also attached herewith.”

11. The same was responded to by defendant No.1 pleading as under:-

“4. That this para of the plaint is incorrect and denied. The detailed reply to the averments mentioned in this para of the plaint has already been submitted above in the written statement in para No.2. The allegations made in this para are vehemently denied.”

12. The comparative analysis of afore-reproduced pleadings would reveal that defendant No.1 in fact never disputed the agreement dated 01.11.1983 propounded by the plaintiff which by way of proposed amendment he wants to claim as a forged and fabricated document.

13. In view thereof, this Court finds no reason to interfere in the well reasoned order passed by the Trial Court.

14. Finding no merits in the present revision petition, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

09.02.2026

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No