



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

139

CR-8447-2025(O&M)

Date of decision: 06.04.2026

Raghunath Enclave Welfare Association & Others

...Petitioner(s)

Vs.

Dilpreet Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Aayush Gupta, Advocate
Mr. Rishab Garg, Advocate
for the petitioners.

Mr. Balram Singh, Advocate
for respondent No.5.

NIDHI GUPTA, J.

Present Revision Petition under Article 227 of the Constitution of India has been filed by plaintiffs No.1, 2,3, 7, 12, 14, 13, 6, and 4 respectively laying challenge to the order dated 28.05.2025 whereby application filed by the respondent No.5 under Order 6 Rule 17 read with Section 151 CPC for amendment of written statement, has been allowed.

2. Learned counsel for the petitioners has submitted that the impugned amendment could not have been permitted as the same is prima facie contrary to the initial version of defendant No.5 and accordingly defendant No.5 by way of amendment wants to omit certain admissions in the



written statement and further wants to take a totally new stand which is contradictory to the earlier stand.

3. It is submitted that the learned trial Court allowed the application without appreciating the fact that, the admission once made cannot be withdrawn by either of the parties and accordingly for withdrawing the said admission an application for amendment is not maintainable. Therefore, the impugned order passed by the learned trial Court is completely unjustified and accordingly liable to be set aside.

4. Further it is submitted that in case the respondent/defendant No.5 wants to add some subsequent event in the written statement then they can add the same but by way of amendment they cannot be allowed to either substitute the earlier version or to omit the earlier reply filed by them. Therefore, considering all these peculiar facts and circumstances involved in the present case, the impugned order is liable to be set aside.

5. Per contra, learned counsel for the respondent No.5 opposes the submissions made on behalf of the petitioners and submits that certain subsequent events had taken place which were necessary to be brought on record. It is submitted that it is on account of this fact that the present amendment was necessitated. It is accordingly prayed that the present Revision Petition be dismissed being meritless.



6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the petitioners.

7. Brief facts of the case in chronological order are as under: -

08.04.2019: The petitioners/plaintiffs and others had filed a Civil Suit dated 08.04.2019 (Annexure P1) seeking declaration and mandatory injunction against the respondents/defendants including respondent/defendant No.5 - Municipal Corporation, Ludhiana. The petitioners had sought declaration *“to the effect that the portion Marked ABCD as shown in the plan attached, is the common land left by the firm M/s Kabul Singh Farms and it's partners including defendants no. 1 and 2 and their parents Late Sh. Harbeant Singh and Late Smt. Balwant Kaur, for a common Park and common area reserved for special purposes, for the benefit and common use of the residents of the colony, Raghunath Enclave comprised in khasra no's 829//1/15/11, 830//14/18/0, 831//4-13-2, 832/1//3-9-13, 833/1//2-0-0, 834//3-8-0 left at the time of carving of farms/plots and distribution thereof, amongst the partners of the firm M/s Captain Kabul Singh farms and that the defendantss have no right to alienate by way of sale, lease, gift, exchange etc the said common area, And For permanent injunction restraining the defendants from encroaching upon or alienating the said land Marked ABCD, left for common purposes and from raising any construction thereupon,... ..”*



23.09.2019: Respondent/defendant No.5/Municipal Corporation had filed written statement dated 23.09.2019 (Annexure P2), wherein they had categorically stated in Paras 1 and 2 of the Preliminary Objections as follows:-

“1. That the plaintiffs have not approached this Hon'ble Court with clean hands and has knowingly stated the wrong facts, just to A mislead this Hon'ble Court. Infact, the defendant no.5 had already sanctioned the site plan of the property of defendant no.4 measuring 300 sq.yards comprised in khasra no.829, situated at locality Sidhwan Canal Road, Ludhiana vide no.593-D dt.25.10.2018 and the same was sanctioned on 8.2.2019. A However, the defendant no.4 has got sanctioned the above said site plan from the defendant no.5 by concealing material facts misrepresenting as well the defendant as the by no.5. Thereafter, the defendant no.5 received complaints with regard to the sanctioning of the above said site plan of the said property of defendant no.4 from the inhabitants of the locality. Thereafter the officials of the defendant no.5 verified the true and correct facts from revenue record defendant no.4 & has apart from also factum of court cases with it, the concealed the regard to her above said property from the defendant no.5. The officials of defendant no.5 have also gone through the court cases with regard to the said property of defendant no.4 and after going through the court cases & revenue records, it had transpired that the defendant no.4 had misrepresented the defendant no.5 by concealing the material facts with regard to her said property while applying for sanctioning of from site plan the defendant no.5. The defendant no.4 had got sanctioned the site plan of her said property playing from the no.5 defendant defendant fraud with the by no.5 after



concealing the material facts from the defendant no.5. Thereafter, after & adopting the proper legal procedure going through the documents revenue record, as well as the defendant no.5 by exercising the power laid down U/s 264 of PMC Act, the said 1976 has revoked sanctioned site plan of the said property B of the defendant no.4 on 28.06.2019. As such the suit of the plaintiffs deserves dismissal against the defendant no.5 on this very score.

2. That the suit of the plaintiff has become infructuous against the answering defendant bearing no.593-D dt.25.10.2018 sanctioned on 08.02.2019 in favour of defendant no.4 has already been revoked by the defendant no.5 on 28.06.2019 and written intimation regarding revocation of same the has already been sent to the defendant no.4 vide reference no.4390/ATPD dt. 19.8.2019 as such, the by the defendant no.5 and suit of the plaintiffs is liable to be dismissed”

24.01.2020: Subsequently, respondent/defendant No.5 had moved the instant application dated 24.01.2020 (Annexure P3) under Order 6 Rule 17 read with Section 151 CPC for amendment of the above-said written statement with the following prayer: -

“3. That the applicant/defendant No.5 wants to replace the para no.1 of preliminary objections taken in the written statement on merits with the following paras:-

"1. That the plaintiffs have not approached this Hon'ble Court with clean hands and have knowingly stated the wrong facts, just to mislead this Hon'ble Court. In fact, the defendant No.5 had already sanctioned the site plan of the property of defendants No.4 measuring 300 sq. yards comprised in khasra No.829,



situated at locality Sidhwan Canal Road, Ludhiana vide no. 593-D dt. 25.10.2018 and the same was sanctioned on 8.2.2019. However, the defendant No.5 received complaint with regard to the sanctioning of the above said site plan of the said property of defendant No.4. Thereafter the officials of the defendant No.5 verified the facts and thereafter the defendant No.5 by exercising the power laid down U/s 264 of the PMC Act, 1976 has revoked the said sanctioned site plan of the property of the defendant No.4 on 28.06.2019. Thereafter, the defendant No.4 had filed objections along with documents & court decrees on 12.09.2019 with the office of defendant No.5 against the revocation of the said site plan by the defendant No.5. Thereafter, the said documents as well as court decrees and revenue records being submitted by defendant No.4 were verified & scrutinized minutely by the officials of the defendant No.5 and a detailed report dt. 20.11.2019 was prepared by the officials of the defendant No.5 and as per the said report it has transpired that even the site plan/layout plan being produced by the complainant, the place/site of site plan no. 593-D dt. 25.10.2018 does not fall under the place of park at the spot and it was recommended to restore the said revoked site plan i.e. site plan no. 593-D dt. 25.10.2018 and thereafter the worthy Commissioner of defendant no.5 vide order dt. 10.12.2019 has given its approval to restore the said revoked site plan. Thereafter the said site plan was restored and a written intimation regarding restoring the said revoked site plan bearing no. 593-D dt. 25.10.2018 of the said property of defendant no.4 was sent to the defendant. no.4 vide reference no. 4676/ATPD."



15. That the contents of para No.15 of the plaint are matter of record. In fact the defendant No.5 had already sanctioned the site plan of the property of defendant No.4 measuring 300 sq. yards comprised in Khasra No. 829 situated at locality Sidhwan Canal Road, Ludhiana vide no. 591-D dt. 25.10.2018 and the same was sanctioned on 8.2.2019. However, the defendant No.5 received complaint with regard to the sanctioning of the above said site plan of the said property of defendant No.4. Thereafter, the officials of the defendant No.5 verified the facts and thereafter, the defendant No.5 by exercising the power laid down U/s 264 of the PMC Act, 1976 has revoked the said sanctioned site plan of the property of the defendant No.4 on 28.06.2019. thereafter, the defendant No.4 has filed objections along with documents & court decrees on 12.09.2019 with the office of defendant No.5 against the revocation of the said site plan of the property of the defendant No.5. Thereafter, the said documents as well as court decrees and revenue records being submitted by defendant No.4 were verified & scrutinized minutely by the officials of the defendant No.5 and a detailed report dt. 20.11.2019 was prepared by the officials of the defendant No.5 and as per the said report it has transpired that even the site plan/layout plan being produced by the complainant, the place/ site of site plan no. 593-D dt. 25.10.2018 does not fall under the place of park at the spot and it was recommended to restore the said revoked site plan i.e. site plan no. 593-D dt. 25.10.2018 and thereafter, the worthy Commissioner of defendant No.5 vide order dt. 10.12.2019 has given its approval to restore the said revoked site plan. Thereafter, the said site plan was restored and a written intimation regarding restoring the said revoked site plan bearing no.593-D dt.



25.10.2018 of the said property of defendant no.4 was sent to the defendant no.5 vide reference no. 4676/ATPD dt. 11.12.2019."

However the detailed facts have already been mentioned in the preliminary objections to this written statement and the same be read as part of this para under reply. The some contents are not mentioned/repeated here just for the same of brevity and repetition.

That the above said amendment in the written statement, is very material & necessary for the proper adjudication and fair decision of the case on merits and the said amendment is also warranted as per law & equity. Moreover, the case is its initial stage and the trial has not been commenced so far. The plaintiff would not suffer any loss and injury, in case, the purposed amendment is allowed. No prejudice is going to be caused to the plaintiff if the proposed amendment is allowed."

8. A bare reading of the above shows that vide the above-said amendment, respondent No.5 is seeking to take an absolutely contradictory stand to the one taken by respondent No.5 in its original written statement (Annexure P2). Rather it would appear that vide the impugned amendment, defendant No.5 is seeking to help the defendant No.1 by taking a somersault on its previous position as, in the original written statement, defendant No.5 had pleaded that the Site Plan of the property of defendant No.4 had already been sanctioned by the defendant No.5 vide No.593-D dated 25.10.2018 and the same was sanctioned on 08.02.2019.

9. The record further reveals that in the written statement (P-2), defendant no.5 had stated that the site plan was got sanctioned from the



defendant no.5 by concealing the material facts and by misrepresenting. It has further been stated in the written statement that the officials verified the true and correct facts from revenue record and also the court cases with regard to said property and after going through the entire record, it came to be revealed that the defendant no. 4 had misrepresented the defendant no.5 by concealing the material facts and got sanctioned the site plan of her property from the defendant no.5 by playing fraud and by concealing the material facts. Accordingly, the defendant no.5 had revoked the said site plan of the defendant no.4 on 28.06.2019.

10. However, now, under the garb of the amendment, the defendant no.5 wants to turn the above said stance on its head and plead the totally different line of defence which is in favour of the defendant no.4. Vide the amendment, defendant no.5 now wants to incorporate that the revocation of the site plan was wrongly done and that now the Commissioner of the defendant no.5 has given approval to restore the revoked site plan and now the site plan has been restored. Thus, defendant no.5 by way of the present amendment application is trying to take an inconsistent/contradictory stand, to the stand originally taken by the defendant no.5 in the written statement, which is not permissible under the law.

11. From the above, it is clear that the defendant No.5 is now seeking to withdraw from the earlier admissions made by it in the written statement (Annexure P2). The same is not permissible as per law.



12. The ostensible reason cited by the defendant no.5 for this change in stance is that objections were received from the defendant no.4; pursuant to which it was realised that site plan had been wrongly revoked. However, there is no merit to even the said contention of the defendant no.5; as it is the own pleaded case of the defendant no.5 that objections had been received from defendant no.4 on 12.9.2019; whereas the written statement (P-2) has been filed thereafter by the defendant on 23.9.2019. Resultantly, there is no reason as to why defendant no.5 should be permitted the present amendment.

13. In view of the above, present Civil Revision Petition stands **allowed**. The impugned order dated 28.5.2025 is hereby set aside.

14. Pending application(s) if any also stand(s) disposed of.

06.04.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No