



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

(267)

**CR No. 2524 of 2024 (O&M)  
Date of Decision: 28.04.2025**

**Sukhdarshan Singh and others**

**...Petitioners**

**Versus**

**Satnam Singh**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Saurabh Kaushik, Advocate  
for the petitioners.

None for the respondent.

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**VIKRAM AGGARWAL, J (ORAL)**

The present revision petition is directed against the order dated 28.02.2024 (Annexure P-5) passed by the Court of learned Additional Civil Judge (Sr. Division), Nabha, vide which the application filed by the petitioners under Order 6 Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC') for amendment of the written statement was rejected.

2. Brief facts necessary for adjudication of the matter are that a suit for permanent injunction (Annexure P-1) was filed by the respondent-plaintiff against the petitioners-defendants restraining them from illegally and forcibly interfering in the peaceful possession of the plaintiff over land measuring 12 Bighas 15 Biswas (fully described in the plaint) situated within the revenue estate of village Surajpur, Tehsil Nabha, District Patiala (hereinafter referred to as the disputed property).

3. The suit was opposed by way of written statement (Annexure P-2). During the pendency of the suit, an application (Annexure P-3) for

amendment of the written statement was filed seeking to incorporate certain facts in paragraph 1 of the written statement on merits with a view to further clarify the matter. The application was opposed by way of reply (Annexure P-4), wherein it was averred that since the trial had already commenced and the matter was listed for the evidence of the plaintiff, the application was not liable to be entertained. It was also averred that the amendment sought was not only belated but was also not *bona fide* and in case the said amendment was allowed, the same would change the nature and character of the defence taken by defendant. It was further averred that the amendment sought was in regard to facts which were in knowledge of the defendants even prior to the filing of the written statement and, therefore, there is no occasion to allow the amendment. By way of impugned order dated 28.02.2024, the said application for amendment of written statement was rejected leading to the filing of the present revision petition.

4. I have heard learned counsel for the petitioner.

5. It would be relevant to mention here that no one has appeared on behalf of the respondent despite service.

6. Learned counsel for the petitioners submits that the learned trial Court erred in dismissing the application for amendment of written statement. He submits that the case is still at the initial stage and evidence has not started. Learned counsel submits that the facts sought to be introduced by way of amendment were only clarificatory in nature and would not, in any case, change the nature of the defence. He submits that the said amendments were sought to be introduced to avoid any subsequent objections as regards the same.

7. I have considered the submissions made by learned counsel for the petitioners.

8. It is a settled position of law that in so far as a written statement is concerned, Courts should be more liberal in allowing amendments as compared to plaints. In-fact, law is also settled to the extent that a defendant can even be permitted to set up inconsistent pleas. It is equally well settled that amendment of written statement has to be treated on a different pedestal than that of amendment of plaint. This settled position of law was noticed by a Coordinate Bench in **Bhupinder Singh Vs. Pritpal Singh and another, 2020(4) RCR (Civil) 128:**

*“9. It is a settled principle of law that amendment of the written statement has to be liberally construed and has to be treated on different pedestal than that of amendment of the plaint. In case of amendment of the written statement, the defendant is entitled to take inconsistent plea and in appropriate cases even the admission made on earlier occasion can be allowed to be withdrawn. The amendment of written statement stands on different pedestal and the Court is not obligated to go into the correctness and falsity of the case of the parties at this stage. It is mandatory on the part of the Court to allow all bona fide amendments which are necessary for real determination of the issues. Rule of amendment is essentially a rule of justice, equity and good conscience and it has to be exercised in larger interest of doing complete justice between the parties. Each case has to be tested on the basis of its own merits. The correctness or falsity of the amendment cannot be commented upon at this stage. On the ground of elaboration of facts in support of earlier plea, written statement can be allowed to be amended. Reference can be made to M/s Estralla Rubber vs. Dass Estate (Pvt.) Ltd., 2001(4) R.C.R. (Civil) 362.*

10. *In Usha Balashaheb Swami & Ors. vs. Kiran Appaso Swami & Ors., 2007(2) RCR (Civil) 830, the Hon'ble Apex Court summed up the criteria for allowing or disallowing the amendment of written statement. Para Nos.20 and 23 of the aforesaid judgment are being reproduced hereunder:-*

*“20. It is equally well settled principle that a prayer for amendment of the plaint and a prayer for amendment of the written statement stand on different footings. The general principle that amendment of pleadings cannot be allowed so as to alter materially or substitute cause of action or the nature of claim applies to amendments to plaint. It has no counterpart in the principles relating to amendment of the written statement. Therefore, addition of a new ground of defence or substituting or altering a defence or taking inconsistent pleas in the written statement would not be objectionable while adding, altering or substituting a new cause of action in the plaint may be objectionable.*

*23. Keeping these principles in mind, namely, that in a case of amendment of a written statement the Courts would be more liberal in allowing than that of a plaint as the question of prejudice would be far less in the former than in the latter and addition of a new ground of defence or substituting or altering a defence or taking inconsistent pleas in the written statement can also be allowed, we may now proceed to consider whether the High Court was justified in rejecting the application for amendment of the written statement.”*

11. *The ratio in Usha Balashaheb Swami & Ors'. case (supra) was followed by this Court in Mohinder Singh & Anr. vs. Reshma Devi & Ors., 2017(3) Law Herald (P&H) 2234 and M/s Vikram Electric Equipment Pvt. Ltd. vs. Chankya Education Society, 2017(3) Law Herald (P&H) 2433.”*

9. In the present case, paragraph 1 (on merits) of the written statement filed by the petitioners reads as under:-

***“1. That Para No. 1 of the plaint is correct to the extent that the plaintiff is owner and in exclusive possession. Rest of the para is a matter of record and needs no reply.”***

The application for amendment is on record as Annexure P-3. The amendment sought to be introduced at the end of paragraph 1 (on merits) reads as under:-

***“True facts are that earlier Rano Kaur @Ranbir Kaur and Jasbir Kaur daughter of Bhajan Singh were the owners in possession of the property situated at village Surajpur and village Banera Khurd, Tehsil Nabha, District Patiala. Both the properties of village Banera Khurd and village Surajpur adjacent to each other. The defendants are the family members and they purchased the land measuring 6B-14B, out of Khewat No. 87, Khatoni No. 101, Khasra No. 1013/965/280 (3-13), 960/277 (1-3), 962/278 (2-0)m 961/277 (1-3), 963/278 (2-1), situated at village Banera Khurd, Tehsil Nabha, District Patiala, as per jamabandi for the year 2001-02 vide registered sale deed bearing vasiqa No. 3674 dated 30.10.2007 and also purchased land measuring 3B-6B, out of Khewat No. 60/60, Khatoni No.103, Khasra No. 960/277 (1-3), 961/277 (1-3), 962/278 (2-2), 963/278 (2-1), 1013/965/280 (3- 13), situated at village Banera Khurd, Tehsil Nabha, District Patiala, as per jamabandi for the year 2011-12, in the name of Baljit Kaur wife of Sukhdarshan Singh defendant no. 1 vide registered sale deed no.1005 dated 31.05.2016 from said Rano Kaur @ Ranvir Kaur and Jasvir Kaur daughters of Bhajan Singh, residents of village Surajpur. The above said Rano Kaur @ Ranvir Kaur and Jasvir Kaur delivered the possession of the said land to the defendants. Since then the defendants are in***

*possession of the above said land. The mutations on the basis of the above said sale deeds were also entered and sanctioned in the name of defendants and Baljit Kaur. The plaintiff purchased the land measuring 12B-15B, situated at village Surajpur, Tehsil Nabha, District Patiala vide registered sale deed no. 562 dated 04.06.2019 from the above said Rano Kaur @ Ranbir Kaur and Jasvir Kaur daughters of Bhajan Singh. The pucca butt is in existence between the land of plaintiff and defendants. The plaintiff wants to encroach upon the land of the defendants under the garb of the present false suit. Copies of the sale deeds, copies of jamabandis and Akash Latha are attached herewith.”*

10. In the considered opinion of this Court, this amendment would not, in any manner change the nature of the defence. Even otherwise, keeping in view the settled law on the subject, in the considered opinion of this Court the said amendment should have been permitted with a view to avoid any objections subsequently. At that stage, there would be no remedy with the petitioners and the petitioners would not be in a position to carry out any amendment. It has to be borne in mind that the suit is still stated to be at the initial stage and even evidence has not commenced which has been maintained by learned counsel for the petitioners despite a stand having been taken in the reply to the application for amendment that the case is fixed for evidence. Believing the statement made by learned counsel for the petitioners at the bar that evidence is yet to start, this Court deems it appropriate to allow the application for amendment of the written statement.

In view of the above, the present revision petition is allowed. The impugned order dated 28.02.2024, vide which the application for amendment of written statement was rejected, is set aside and the application for amendment of written statement is allowed. The petitioners may file the

amended written statement within a period of 10 days from today after which learned trial Court may continue with the trial.

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

**(VIKRAM AGGARWAL)**  
**JUDGE**

**April 28, 2025**  
Rekha

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No