



CR-6586-2025 (O&M)

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

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**CR-6586-2025 (O&M)
Decided on :- 17.09.2025**

Shashi Sharma

...Petitioner

VERSUS

M/s Baba Estate and Colonizer

...Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Deepak Girotra, Advocate for the petitioner.

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MANDEEP PANNU J.

1. Present civil revision petition has been filed by the petitioner/defendant against the order dated 01.09.2025 passed by the learned Civil Judge (Junior Division), whereby the application filed by the petitioner under Order VI Rule 17 CPC seeking amendment in the written statement was dismissed.

2. The facts relevant for disposal of the present petition are that after institution of the suit for possession and recovery, the defendant filed his written statement. The plaintiff thereafter led his entire evidence in support of the pleadings. The defendant also filed his affidavit in examination-in-chief as per the defence already taken in the written statement. During the pendency of the matter, the defendant moved an application under Order VI Rule 17 CPC seeking amendment in the written statement on the plea that certain clarifications and explanations had not been made earlier and that the proposed amendments were necessary for proper adjudication.

**Findings**

3. The amendments proposed by the defendant, as reflected in the application, are not merely clarificatory. A perusal of the application reveals that in the original written statement, the stand of the defendant was essentially one of denial for want of knowledge with respect to the plaintiff's pleadings. By way of the proposed amendments, however, the defendant seeks to take a completely new stand by introducing specific averments such as alleging fraud, forgery, concoction of documents, denial of any contract with third parties (Puran Chand, Naushad, Sukhwinder), disputing allotment and agreement to sell, and asserting that the entire transaction is illegal and void. These are not simple clarifications but constitute substantial changes in the nature of defence.

4. Having considered the matter in its entirety, I find no illegality in the order passed by the learned trial Court. It is a settled principle that although amendment of pleadings should ordinarily be allowed to avoid multiplicity of litigation, yet such amendment cannot be permitted when it has the effect of introducing an entirely new defence, withdrawing earlier admissions, or changing the fundamental stand already taken. In the present case, the plaintiff has already concluded his entire evidence on the basis of the written statement as originally filed by the defendant. Permitting such sweeping amendments at this stage would not only alter the basic nature of the defence but would also cause serious prejudice to the plaintiff, who has already deposed in accordance with the pleadings on record.

5. The contention of the petitioner that the amendments are only explanatory cannot be accepted. The proposed insertions, as extracted in the application, go much beyond clarification. They amount to setting up an altogether



different case, raising new allegations of fraud and forgery, and disputing facts which were earlier simply denied for want of knowledge. Such amendments cannot be allowed once the trial has substantially progressed and evidence of the opposite side has already been recorded.

Conclusion

6. In view of the above discussion, the learned Civil Judge has rightly exercised discretion in dismissing the application under Order VI Rule 17 CPC. I find no ground to interfere with the impugned order in revisional jurisdiction. Accordingly, the present civil revision petition stands dismissed.

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

September 17, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No