



CR-3787-2025 (O&amp;M)

-1-

118

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

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**CR-3787-2025 (O&M)  
Decided on :- 11.08.2025**

Sarika Arora

....Petitioner

VERSUS

Capt. Harjit Singh Toor and Another

...Respondents

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Mayank Sharma, Advocate for the petitioner.

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**MANDEEP PANNU J.**

1. Challenge in the present revision petition is to the order dated 28.05.2025 passed by learned Additional Civil Judge (Senior Division), Dera Bassi, District SAS Nagar Mohali, vide which application under Order 6 Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC) seeking amendment of written statement filed by petitioner/defendant is dismissed by the learned Lower Court.

2. Learned counsel for the petitioner/defendant contends that in the written statement it has been inadvertently mentioned that "the respondent has paid an amount of Rs.50,000/- in advance to the petitioner" whereas the above said statement is factually incorrect and was mistakenly typed due to oversight as no such advance amount of Rs.50,000/- was ever paid by the petitioner/tenant to the landlord. Therefore, the need arose to file an application under Order 6 Rule 17 CPC before the learned Trial Court. However, learned Trial Court has illegally dismissed the application of the petitioner/defendant without passing a detailed order. It is a settled law that the amendments, which are necessary, in controversy



are to be allowed. Thus, in the absence of a reasoned and speaking order, the impugned order is liable to be set aside.

3. Learned counsel for respondent No.1, on the other hand, submits that the trial has reached at the stage of final arguments and evidence has already been concluded. Hence, the amendment cannot be allowed. He further submits that the learned Lower Court has rightly dismissed the application for amendment having been filed at the fag-end of the trial and also on the ground that it amounts to denying of the fact admitted by defendant which cannot be called a clerical error.

4. I have considered the rival submissions and perused the record of the case.

5. It is not in dispute that the evidence of both the sides stand concluded and the case is fixed for rebuttal evidence, if any, otherwise for final arguments, when the present application was moved. Hon'ble Supreme Court in the case of *Vidyabai & Ors vs Padmalatha & Another [2009(2) SCC 409]* has held that after commencement of trial, an amendment can be allowed only if the Court comes to a conclusion that despite due diligence, the party could not have raised the matter before commencement of trial. In the present case, no such due diligence has been pleaded or proved. Rather, it is submitted by learned counsel for defendant that by way of amendment in written statement, he proposes to delete the fact that an amount of Rs.50,000/- was paid in advance to the landlord on the ground that it was inadvertently typed. However, learned counsel for respondent has placed on record a photocopy of evidence of defendant – Sarika, by way of affidavit, wherein she has reiterated the above-said version of having paid Rs.50,000/- in advance to the petitioner. Thus, it belies the version of defendant that this fact was



**CR-3787-2025 (O&M)**

-3-

inadvertently mentioned in the written statement, when she herself has reiterated this fact in her evidence.

6. In view of the above, this Court is of the considered view that the learned lower court has rightly dismissed the application under Order 6 Rule 7 CPC, vide order dated 28.05.2025. Hence, the same is upheld and accordingly the present revision petition stands dismissed.

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

August 11, 2025  
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**(MANDEEP PANNU)**  
**JUDGE**

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