



127 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2571-2025

Date of Decision: April 30, 2025

Satbir Singh @ Sawittar Singh

. . . . Petitioner

Vs.

Parvinder Singh @ Parminder Singh

.. . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vishal Sharma, Advocate for the petitioner.

DEEPAK GUPTA, J.

Petitioner herein is the defendant in Civil Suit bearing CIS No.CS-193-2018, titled as "*Gurmeet Kaur v. Sawittar Singh etc.*" pending in the Court of learned Civil Judge (Jr. Divn.), Garhshankar. He is aggrieved by the impugned order dated 04.02.2025, whereby his application under Order VI Rule 17 CPC for amendment of the written statement was declined.

2. Learned counsel contends that by way of the proposed amendment, the petitioner – defendant only wanted to clarify the position regarding the property in dispute and that said amendment was necessary for proper adjudication of the suit.

3. As the perusal of the paper book would reveal that defendant-petitioner had taken the stand in the written statement to the effect that property in dispute was transferred in the name of his mother Smt. Gurmeet Kaur. By way of proposed amendment, defendant-petitioner wanted to replace the aforesaid pleading by incorporating that property was purchased in the name of mother – Gurmeet Kaur.

4. While rejecting the application, the trial Court observed that suit was at the stage of defendant's evidence, when the application was moved.

Plaintiffs had claimed declaration to the effect that they were owner in possession of the suit property to the extent of ½ share based upon a Will dated 08.10.2017 executed by Shri Kashmir Singh and they had challenged mutation No.1543 in favour of defendant. The trial Court also observed that issues were framed way back in January, 2019 and plaintiffs had already concluded their evidence on 06.02.2024. Not only this, defendant had already availed numerous effective opportunities to lead the evidence, but instead of producing any evidence, he moved the application for amending the written statement.

5. Though, as per Order VI Rule 17 CPC, the Court may allow either of the party to amend the pleadings at any stage, but the proviso to this Rule clearly provides that no such application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that despite due diligence, the party could not have raised the matter before the commencement of the trial.

6. In the present case, the amendment, which the petitioner-defendant proposed to make in the written statement, was not such, which could not have within his knowledge prior to commencement of the trial.

7. Considering all the aforesaid facts and circumstances, particularly the conduct of the defendant-petitioner, this Court finds that the trial Court did not commit any error in dismissing the application. As such, in the absence of any illegality or perversity in the impugned order, the present revision petition is hereby dismissed.

April 30, 2025
Sarita

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No