

**CR-6116-2025 (O&M)**

-1-

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

-.-

**CR-6116-2025 (O&M)
Decided on :- 04.09.2025**

Jarnail Singh and Another

....Petitioners

VERSUS

Sandeep Singh

....Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Gurcharan Dass, Advocate for the petitioners.

-.-

MANDEEP PANNU J.

1. The present revision petition has been filed by the petitioners-defendants challenging the order dated 02.08.2025 passed by the learned Civil Judge (Senior Division), Ludhiana, whereby the application moved by the plaintiff under Order 6 Rule 17 CPC seeking amendment of the written statement was dismissed.

2. Heard.

3. The admitted position is that the present suit is one for permanent injunction wherein the only question required to be determined is whether the plaintiff is in settled possession of the suit property and whether such possession deserves protection from alleged interference by the defendants. For deciding such controversy, the documents sought to be incorporated by way of amendment, namely, the alleged Panchayati agreement dated 18.08.2004 and the affidavit of the father of defendant No.1, are wholly irrelevant. The nature of the suit being confined to possession, the validity or otherwise of such documents has no bearing on the real controversy.



4. Further, the defence already taken by the defendants in their written statement is that they are in possession of the property on the basis of an agreement to sell dated 29.08.2016 executed by the plaintiff in favour of defendant No.1. By moving the present application, they now seek to introduce a completely contradictory stand based on an alleged family settlement/Panchayati agreement. The law does not permit a party to blow hot and cold in the same breath. Once the defendants themselves have predicated their possession on an agreement to sell, they cannot simultaneously claim possession under a distinct and inconsistent title founded on an alleged family arrangement. Such contradictory pleas are impermissible and would only serve to prejudice the plaintiff, who has already concluded his evidence on the basis of the defence originally pleaded.

5. It is also not in dispute that the application has been moved at a highly belated stage. Issues were framed long back, the parties were granted ample opportunity to lead evidence, and the plaintiff has already closed his evidence. The defendants too availed several opportunities to lead their evidence. At this stage, when the matter is at the fag end, the application has been moved to amend the written statement. Entertaining such amendment would amount to reopening the entire trial and delaying the disposal of the matter, which is against the settled principle that litigation must come to an end within reasonable time.

6. Moreover, the basic condition stipulated in the proviso to Order 6 Rule 17 CPC has not been satisfied. The defendants were obliged to demonstrate that despite exercise of due diligence, they could not have raised the plea or produced the documents sought to be introduced by way of amendment. No such explanation has been furnished. The Panchayati agreement is of the year 2004, executed by none other than the father of defendant No.1, of which the defendants



were fully aware. It cannot therefore be said that the existence of the document was not within their knowledge. A party who sits over his rights and seeks to introduce stale documents at the fag end cannot claim indulgence under the garb of doing complete justice.

7. The Supreme Court in *Revajeetu Builders & Developers v. Narayanaswamy & Sons (2009) 10 SCC 84* and again in *Life Insurance Corporation v. Sanjeev Builders Pvt. Ltd. (2022) SCC Online SC 112* has laid down the guiding factors for allowing amendment, which include: whether the amendment is necessary to decide the real controversy, whether it changes the nature of the case, whether it is mala fide or intended to delay proceedings, and whether due diligence has been exercised. Applying these tests, it is manifest that the proposed amendment is not only unnecessary but also contradictory to the earlier defence, would change the very nature of the case, has been moved at the last stage only to delay the disposal of the suit, and is hit by want of due diligence.

Conclusion:

8. For the foregoing reasons, this Court is of the considered opinion that the learned trial Court rightly dismissed the application under Order 6 Rule 17 CPC. The proposed amendment is neither relevant to the real controversy in the suit for injunction nor consistent with the original defence. Rather, it would amount to setting up an altogether new case, which is impermissible. The application is further barred by lack of due diligence, since the defendants were aware of the document of 2004 from the very inception. Allowing such amendment at the stage when evidence has already been concluded would result in grave prejudice to the plaintiff and protract the proceedings unnecessarily. The



order of the trial court does not suffer from any infirmity warranting interference in exercise of revisional jurisdiction.

9. Accordingly, the revision petition is dismissed.
10. Pending application(s), if any, also stand disposed of.

September 04, 2025
tripti

(MANDEEP PANNU)
JUDGE

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