



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

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CR-2575-2025

Date of Decision.:29.04.2025

Hari Kishan

Petitioner

Vs.

Hukamchand and Others

Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Vijay Pal, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner herein is one of the defendant before learned trial Court in civil suit titled "Hukam Chand v. Hari Kishan and Others" pending before learned Civil Judge (Junior Division), Pataudi. He is aggrieved by the order dated 07.04.2025, whereby application under Order VI Rule 17 CPC moved by the plaintiff for amendment of the plaint has been allowed.

2. As per the impugned order, plaintiff wanted to incorporate the dimensions and boundaries of the suit property in para No.2 of the plaint, although the same were duly mentioned in the site plan annexed with the plaint and that site plan was even exhibited. Learned trial Court observed that proposed amendment will not change the nature of the suit property inasmuch as the site plan had already been annexed with the plaint and exhibited.

3. The only grievance put forth by learned counsel for the petitioner is with the observation made by the trial Court in the last paragraph of the impugned order, whereby it has been mentioned that the amendment of the plaint will not entitle any fresh opportunity to any of the parties for presenting any fresh evidence.

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4. Learned counsel contends that since both the parties have already led the evidence, he also does not wish to lead any fresh evidence but he must be given opportunity to file amended written statement so as to refute the contention being made in the amended plaint.

5. To the aforesaid extent, the prayer made by learned counsel for the petitioner, appears to be quite justified.

6. As such, without issuing any notice to the opposite party, lest it may delay the proceedings, the impugned order dated 07.04.2025 (Annexure P-6) is hereby modified to the extent that petitioner-defendant will be granted opportunity to file the amended written statement but making it clear that none of the party shall be allowed to lead any fresh evidence.

7. Disposed of.

8. Since this order has been passed without issuing any notice to the respondents, they will be at liberty to approach this Court, in case they feels aggrieved.

**(DEEPAK GUPTA)
JUDGE**

April 29, 2025

Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No