



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

CR-5858-2025

Date of Decision: 28.08.2025

SHIROMANI GURUDWARA PARBANDHAK  
COMMITTEE AND ANOTHER

....Petitioners

Versus

HARWINDER PAL SINGH

.....Respondent

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present:     Mr. Viren Sibal, Advocate and  
                 Mr. Shayon Sen, Advocate  
                 for the petitioners.

**Parmod Goyal, J. (Oral)**

Petitioners are seeking setting aside of impugned order dated 18.07.2025 (Annexure P-10), passed by the Learned Rent Controller, Ludhiana, vide which application for additional evidence under Order VI Rule 17 CPC read with Section 151 of CPC, for amendment of written statement was allowed.

2.            The impugned order is being challenged by the petitioners who claims to be the landlord of the premises which is stated to be under tenancy of respondent. The main arguments raised by the petitioners are that: (i) the respondent by amending the present written statement is trying to retract from admissions made in the previous suit; and (ii) that pleas taken by respondent by way of amendment are contradictory in nature.

3.            Reliance has been placed upon judgment and decree dated 09.09.2019 (Annexure P-11), passed by Learned Civil Judge, Junior Division, Ludhiana, wherein present respondent Harwinder Pal Singh was plaintiff No.2 and claim of plaintiffs including petitioner-tenant in that suit



was that property was given to them by Mahant, however, said plea was rejected by the Court. It is asserted that since in earlier suit, respondent had claimed that he had got the property from Mahant and which was rejected, therefore, the amendment cannot be sought by the respondent, taking different plea that property was inherited from forefathers in the present case. This plea has been duly considered by Court below and I do not find any error with the approach of the learned Court of First Instance.

4. It is not the case of petitioner that respondent is wanting to withdraw admissions made in earlier written or taking a stand which results into reiterating from admissions made earlier by way of written statement. Earlier admission made in previous suit even after amending written statement would still be binding on respondent-tenant, subject to its proof by way of evidence. Respondent is simply seeking to take a defence by way of amendment of written statement which petitioner is free to show to be false/wrong before the learned Rent Controller. The learned Rent Controller can consider the effect only once defence taken by respondent and evidence is led by parties.

5. The case is at stage of pleadings. The Courts ought to allow all the parties to take all possible pleas and defences available to them and then decide the case, in accordance with law, after considering respective evidence.

6. Learned counsel for the petitioner has placed reliance upon the judgment of Hon'ble Supreme Court in *M/s. Modi Spinning and Weaving Mills Co. Ltd., and another Versus M/s. Ladha Ram and Co.*, 1976(4) SCC 320, however, the same is not applicable to the facts of the present case, as



in the said case, in the earlier written statement, admissions were made by respondent and by seeking amendment, he wanted to retract from those admissions which was not permitted. However, in the present case, respondent is taking additional plea which is not contrary to previous written statement but is contrary to defence taken in previous suit. Admission in previous suit needs to be proved in evidence. Therefore, even if a different stand is taken in previous and present case that will be seen by the Court after considering the evidence. Petitioner shall be free to show admission made by respondent in previous suit and court shall consider it and its effect in accordance with law.

7. The petition stands disposed of in aforesaid terms. Pending application(s), if any, shall also stand disposed of.

**28.08.2025**  
chiranjeev

**(PARMOD GOYAL)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No