



CR-6010-2025 (O&M)

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

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**CR-6010-2025 (O&M)
Decided on:- 02.09.2025**

Gagandeep Singh

....Petitioner

VERSUS

Paramjit Singh (now deceased) through LRs

....Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Lupil Gupta, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present revision petition has been filed by the petitioner/defendant assailing the order dated 16.07.2025 passed by the learned Additional Civil Judge (Senior Division), Talwandi Sabo, District Bathinda, whereby his application under Order VI Rule 17 of the Code of Civil Procedure, seeking amendment of the written statement, has been dismissed.

Brief facts

2. The brief facts of the case are that the respondent/plaintiff instituted a suit for recovery of Rs.4,33,000/- i.e. Rs.3,50,000/- as principal amount and Rs.83,000/- as interest @12% per annum, on the basis of a promissory note and receipt dated 10.09.2017, alleged to have been executed by the petitioner/defendant. Upon service of notice, the defendant appeared and filed his written statement wherein he categorically denied the execution of the promissory note and receipt, terming them as forged and fabricated. On the basis of the pleadings, issues were framed and the case was fixed for evidence of the parties. At that stage, when the matter was fixed for defendant's evidence, the present



application under Order VI Rule 17 CPC was filed seeking amendment of the written statement.

3. In support of the application, it was urged on behalf of the defendant that at the time when the written statement was originally filed, two criminal complaints under Section 138 of the Negotiable Instruments Act, 1881, filed by the plaintiff-Paramjit Singh, were pending adjudication before the learned Judicial Magistrate, Ist Class, Talwandi Sabo. Those complaints were based on the same set of alleged documents, namely the disputed promissory note, receipt, as well as two cheques purportedly issued by the defendant. Subsequently, vide judgment dated 03.01.2025, both the complaints were dismissed as the plaintiff, who was complainant therein, failed to prove his case. It was the stand of the defendant-Gagandeep Singh that the plaintiff had misused blank signed cheques and a blank signed pronote and receipt which were handed over only as collateral security, with the understanding that these would be destroyed upon settlement. However, with mala fide intention, the plaintiff misused the same and instituted false complaints, which have now been disbelieved by the criminal court. The defendant, therefore, sought amendment by way of introducing para 5-A in the legal objections of his written statement to plead this subsequent development, contending that such amendment was material for just adjudication of the controversy in the present civil suit. It was further argued that the amendment was bona fide, would not change the nature of the defence, nor cause prejudice to the plaintiff, and that law regarding amendment of written statement is liberal.

4. After considering the submissions, this Court finds no merit in the present revision petition. It is no doubt settled law that amendments which are necessary for determining the real controversy between the parties, and which do



not change the nature of the suit or defence, should ordinarily be allowed. Equally well settled is the principle that a party seeking amendment must demonstrate due diligence in raising the proposed plea and that such amendment must be material to the controversy in issue. In the present case, the defendant had already taken a categorical stand in his original written statement that the disputed promissory note and receipt were forged and fabricated. Thus, his defence regarding denial of execution was already on record. The subsequent dismissal of the complaints under Section 138 of Negotiable Instruments Act does not introduce any new or different plea, but is at best an additional circumstance which may be relied upon by the defendant at the time of arguments to support his stand already taken.

5. Further, the finding of a criminal court in a complaint under Section 138 of Negotiable Instruments Act is not binding on the civil court, which has to independently adjudicate the validity of the promissory note and receipt on the basis of evidence led before it. The civil court is competent to take judicial notice of the judgment passed by the criminal court, which can be produced at any stage of trial, even without incorporation of an amendment in the pleadings. The necessity of amendment, therefore, does not arise merely for placing reliance on such judgment.

6. Moreover, it is the admitted case of the defendant that when he filed his written statement, the said complaints were already pending adjudication. If he considered their pendency to be material, he could well have pleaded this fact in the original written statement. The eventual decision of those complaints, even if favourable to him, could have been placed on record as additional material evidence, without necessitating amendment of pleadings. The belated stage at



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which the amendment was sought also militates against the requirement of due diligence envisaged under the proviso to Order VI Rule 17 CPC.

7. The trial Court, therefore, rightly held that the proposed amendment was not necessary for the just decision of the case. This Court is of the considered opinion that the proposed amendment does not serve to determine the real controversy, as the defence of the defendant stands fully covered by the original written statement. The attempt to introduce further detail regarding dismissal of complaints under Section 138 NI Act is not essential for adjudication of the civil suit. The trial court's reasoning that such facts can always be brought to the notice of the court at the stage of arguments, without the necessity of amendment, is justified. Allowing such amendments would only result in unnecessary delay and protraction of proceedings, contrary to the mandate of law that pleadings should not be permitted to be altered at a belated stage unless compelling necessity is shown.

8. Accordingly, this Court finds no infirmity in the impugned order dated 16.07.2025 and dismiss the present revision petition being devoid of any merit.

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

September 02, 2025
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(MANDEEP PANNU)
JUDGE

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