



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

218

CR-3139-2022

Date of Decision:10.09.2025

Jaswant Singh and Another

.....Petitioners

Vs.

Iqbal Kaur and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

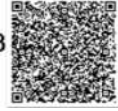
Present:- Mr. Ashok Kumar Verma, Advocate
for the petitioners.

Mr. P.S. Jammu, Advocate for
the respondents.

DEEPAK GUPTA, J. (ORAL)

Petitioners herein are the plaintiffs before learned Additional Civil Judge (Senior Division), Dabwali in civil suit bearing No.CS-312-2019 titled as "Jaswant Singh etc. vs. Iqbal Kaur etc.". They are aggrieved by the order dated 21.05.2022 (Annexure P-6) passed by the trial Court, whereby application of the defendants to withdraw from the admission and to file altogether fresh written statement, has been allowed.

Learned counsel for the petitioners contends that suit was filed by the plaintiffs seeking declaration that they are in cultivating possession of the suit land and that entries to the contrary showing the defendants to be in their possession were wrong and illegal. The defendants



CR-3139-2022

-2-

i.e. respondents herein filed written statement (copy Annexure P-2) admitting the claim of the plaintiffs. They also appeared before the Court and made statement (Annexure P-3), admitting the claim of the plaintiffs. However later on, the defendants moved an application seeking withdrawal of the written statement and seeking permission to file fresh written statement. The trial Court by way of the impugned order has allowed that application.

Assailing the order, learned counsel contends that no proper procedure was followed, inasmuch as no application under Order VI Rule 17 CPC was moved so as to withdraw or explain the admission made by the defendants. Learned counsel has drawn attention towards "***Gautam Sarup vs. Leela Jetly***" 2008(1) R.C.R.(Rent) 487 wherein it was held by Hon'ble Supreme Court that categorical admission cannot be resiled but, in a given case, it may be explained or clarified.

It is not disputed by learned counsel for the respondents that no application under Order VI Rule 17 CPC was moved. Even the trial Court in the impugned order has noticed that though there is no provision in CPC for giving permission to file altogether different written statement but considering the peculiar facts of the case, permission was granted under Section 151 CPC.

The impugned order as passed by the trial Court cannot be

**CR-3139-2022****-3-**

sustained as it is contrary to the provisions of Order VI Rule 17 CPC. The impugned order is hereby set aside. However respondents-defendants will be at liberty to move appropriate application in case they want to seek amendment in the written statement. In case, any such application is moved by the respondents- defendants, the same shall be considered by the trial Court strictly in accordance with law, without being influenced by any observation made by this Court in this order.

Disposed of.

(DEEPAK GUPTA)
JUDGE

September 10, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No