

**121 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-4227-2025 (O&M)****Date of Decision: July 14, 2025****Davinder Kaur and others****. . . . Petitioners**

Vs.

Canara Bank and others

. . . . RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. J.S. Sekhon, Advocate for the petitioners.**DEEPAK GUPTA, J.**

Petitioners herein are defendant Nos.1 to 3 in a Civil Suit bearing CIS No.276-2019, titled as "**Canara Bank v. Smt. Davinder Kaur and others**", filed by plaintiff - Canara Bank, seeking recovery of ₹7,69,870/- along with interest and also foreclosure of mortgaged property.

3. The petitioners herein are aggrieved by the order dated 10.03.2025 (Annexure P-4), whereby their application under Order 6 Rule 17 CPC for amendment of the written statement, was declined.

4. It is contended by learned counsel for the petitioners that amendment of written statement was necessary so as to incorporate that out of mortgage property, a considerable portion thereof was inherited and owned by the petitioners, who are in joint possession and that rest of the portion was exclusively owned by respondent No.1, which was her self acquired property.

5. It has been noticed by the trial Court in the impugned order that the suit was filed way back in 2019. Written statement was filed by defendant Nos.1 to 3, i.e. petitioners herein on 13.01.2020. Issues were

settled on 13.03.2020 and it is during the course of evidence of the plaintiff that the instant application was moved after the case remained pending for a period of 04 years after settlement of the issues.

6. The trial Court has rightly referred to Order 6 Rule 17 CPC to hold that prayer for amendment of the pleadings must satisfy the pre-conditions that it is not causing injustice to the other party and that proposed amendment is necessary for the purpose of determining the real controversy between the parties. It was found that in the present case, the petitioners herein could not justify the amendment in the written statement based upon the aforesaid criteria.

7. Apart from above, it is important to notice that as per proviso to Order 6 Rule 17 CPC, no application for amendment is to be allowed after the trial has commenced, unless the Court comes to the conclusion that despite due diligence, the party seeking amendment could not have raised the matter before the commencement of the trial.

8. In the present case, the trial has already commenced. There is nothing to show that despite due diligence, the petitioners could not raise the matter which they want to incorporate by way of proposed amendment.

9. Considering the aforesaid circumstances, this Court does not find any illegality or perversity in the impugned order. As such, finding the present petition to be devoid of any merit, the same is hereby dismissed.

**July 14, 2025**

*Sarita*

**(DEEPAK GUPTA)**

**JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No