



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-7108-2025 (O&M)

Date of Decision:08.10.2025

M/s Goodwill Chit Fund and Another

.....Petitioners

Vs.

M/s Krishna Dairy

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajat Sheokand, Advocate
for the petitioners.

DEEPAK GUPTA, J. (ORAL)

Petitioners herein are defendants of civil suit bearing No.CS-1340-2020 titled as "M/s Krishna Dairy vs. M/s Goodwill Chit Fund etc.", pending before learned Civil Judge (Junior Division), Faridabad. They are aggrieved by the order dated 28.08.2025 (*Annexure P-1*), whereby their application under Order VI Rule 17 CPC (*Annexure P-6*), seeking amendment in the written statement, has been declined.

2. Suit for recovery of ₹7,93,662/- was filed by the plaintiff wayback in June, 2020. Defendants *i.e. petitioners herein* opposed the claim by filing the written statement in March, 2023. After settlement of issues, plaintiff closed its evidence. Defendants *i.e. petitioners herein* had already availed as many as 05 opportunities for their evidence, when they moved an application under Order VI Rule 17 CPC seeking amendment of the written statement by contending that an amount of ₹27,71,100/- approximately was outstanding against the plaintiff and that suit had been filed by the plaintiff to escape from that liability. Due to inadvertent error, the defendant could not plead the liability of the plaintiff to the extent of



₹27,71,100/- and so, they wanted to plead the said amount as a set off to be adjusted. However the said application has been declined by the trial Court by way of the impugned order.

3. Assailing the order, learned counsel for the petitioners contends that amendment in the written statement can be allowed at any stage and simply because of the delay, the application could not have been declined.

4. There is absolutely no merit in the submission made by learned counsel for the petitioners. The proviso to Order VI Rule 17 CPC clearly provides that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that despite due diligence, the party could not have raised the matter before the commencement of the trial.

5. In the present case, learned counsel for the petitioners-defendants is unable to convince the Court that the plea of set off to the extent of ₹27,71,100/-, which the petitioners want to put forth by way of amendment, could not be taken up earlier despite due diligence. In case, any such amount was outstanding against the plaintiff, as is being contended by petitioners-defendants, the same must have been mentioned by the defendants i.e. petitioners in the written statement at appropriate time. As noticed by the trial Court, the application has been moved after not only conclusion of the evidence by the plaintiff but even after availing as many as five opportunities by the petitioners-defendants to produce their evidence. It clearly appears that application was moved simply to delay the proceedings.

6. In the aforesaid facts and circumstances, this Court does not find any illegality or perversity in the impugned order passed by the trial Court.



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No merits. Dismissed.

All the miscellaneous application(s), if any, stand disposed of.

**(DEEPAK GUPTA)
JUDGE**

October 08, 2025

Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No