



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

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Civil Revision No.4908 of 2025 (O & M)

Date of decision :-30.07.2025

M/s Faridell Associates and another

.....Petitioners

Versus

M/s Shree Nath Enterprises

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Dr. Pankaj Nanhera, Advocate
for the petitioners.

NIDHI GUPTA J. (Oral)

The present revision petition has been filed by the defendants seeking setting aside of order dated 21.7.2025 (Annexure P-1) whereby the application filed by the petitioners under Order VI Rule 17 read with Section 151 CPC for amendment of the written statement, has been dismissed.

It is *inter alia* submitted by learned counsel for the petitioners that the learned Additional District Judge, Faridabad was in error in passing the impugned order as it failed to take into account the fact that amendment of the written statement was necessary for the proper adjudication of the matter. It is submitted that certain facts were not pleaded in the original written statement due to inadvertent omissions by the previous counsel of the petitioners. However, the petitioners cannot be made to suffer for the mistake of their counsel. Furthermore, the amendment sought will neither create new defence



nor change the nature of the suit. Thus, no prejudice will be caused to the respondent/plaintiff. By way of the amendment, the petitioners are only seeking to incorporate a factual aspect, which is already proved during trial through Ex.D-1, which evidences return of material worth of Rs.6,34,991/- to the plaintiff. However, as already mentioned above, the said fact was not pleaded in the written statement due to inadvertent omission, whereas the same has material bearing on the dispute at hand. It is accordingly prayed that the impugned order be set aside.

No other argument is made on behalf of the petitioners.

I have heard ld. Counsel and perused the case file. I find no merit in the submissions made on behalf of the petitioners.

A perusal of the record of the case reveals that the respondent/plaintiff had filed a Civil Suit dated 30.5.2017 seeking recovery of Rs.12,69,411/- from the petitioners. Vide judgment and decree dated 12.3.2019 (Annexure P-2) suit of the plaintiff was decreed for a sum of Rs.8,73,180/- alongwith interest @9% per annum. Against the same, the petitioner had filed Civil Appeal (Annexure P-3) on dated 11.4.2019, which is admittedly at the stage of final arguments. At this stage, the petitioner has filed the present application dated 27.5.2025 (Annexure P-4) under Order VI Rule 17 read with Section 151 CPC seeking amendment of the original written statement filed by him in the civil suit. The amendment is sought on the ground that the petitioners could “inadvertently” not mention in para 2 of their written statement regarding return of material to the plaintiff.



Admittedly, the said information was in the possession of the petitioners at the time of filing written statement. Admittedly, also, evidence has been led in respect of the said averment by way of Ex. D-1. Much water has flown under the bridge in the interregnum. No ground is made out to permit the petitioners to amend their written statement at this belated stage after a lapse of more than six years. In doing so, prejudice would definitely be caused to the plaintiff. Rights of the parties get crystalized over period of time. Admittedly, even the appeal is at the stage of final arguments. Clearly, therefore, the present application has been filed only with an intent to further delay the proceedings.

In view of the above said reasons, the present petition is hereby **dismissed**.

Pending application(s), if any, shall stands disposed of.

July 30, 2025
Vijay Asija

(**NIDHI GUPTA**)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No