



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

(115)

CR-5959-2025

Date of Decision:-15.09.2025

RAJESH KUMAR AND ANOTHER

... Petitioners

Versus

RAM PAL

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Sanjeev Roy, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. This revision petition has been filed under Article 227 of the Constitution of India to assail the order dated 03.07.2025, vide which, the application filed by the petitioner for amendment of the written statement has been declined.

2. Respondent/plaintiff filed a suit for specific performance for Agreement to Sell dated 17.08.2005 with regard to the suit land. Petitioner contested the suit on the grounds that petitioners/defendants has not executed the agreement to sell and the same is illegal, null and void, and the same has been fabricated. Subsequently, petitioners moved an application for amendment of the written statement to elaborate certain facts that on the alleged date of execution of agreement to sell, defendant No.2 was on duty and was not present in the Court Complex to execute the agreement to sell and further that a criminal case was registered between the parties after this agreement, so the relations between the parties were not cordial. After the contest, the application was dismissed vide impugned order dated



03.07.2025 on the grounds that application has been filed after commencement of the trial and the petitioner has not explained as to why the application was not moved earlier and that it would change the entire defence of the applicant/defendant. Since, the application has been filed at the fag end of the trial, by that time respondent/plaintiff has already concluded the evidence and the facts which petitioner wants to plead were personal to the petitioner and were in the knowledge of the petitioner since inception, therefore, there is no illegality or perversity in the order passed by the Court below.

3. Since, these facts are in the nature of evidence to support the contention of petitioner that agreement to sell was not executed by the petitioners/defendants and only material facts are required to be pleaded not the evidence, the petitioner can lead evidence to prove the same, as such, finding no merit in the present revision petition and the same is dismissed.

4. Since, present petition is dismissed, pending application(s), if any are also disposed of accordingly.

15.09.2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No