



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CR No.1861 of 2024 (O&M)

Date of Decision :08.05.2025

**Lakhbir Singh**

.....Petitioner

**Versus**

**Paramjit Singh and others**

..... Respondents

**CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr. Sarju Puri, Advocate for the petitioner.

Mr. Sandeep Jain, Advocate for respondents No.1 to 4.

VIKRAM AGGARWAL, J. (Oral):

1. The present revision petition is directed against the order dated 20.02.2024 (Annexure P1) vide which the application filed by the petitioner/defendant No.1 under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (for short 'CPC'), for a formal amendment in the written statement was rejected.

2. The facts, as emanating from the revision petition, are that a suit for separate possession by partition by metes and bounds was filed by the respondents-plaintiffs (Paramjit Singh and others). Written statement on behalf of petitioner-defendant No.1 (Lakhbir Singh) (Annexure P-3) was filed. During the course of trial, an application under Order 6 Rule 17 CPC was moved by the petitioner-defendant No.1 for making an amendment in the written statement and adding a preliminary objection that the suit was bad for partial partition. The application was opposed by way of a reply. Vide impugned order, the said application was rejected leading to the filing of the present revision petition.



3. I have heard learned counsel for the parties.

4. Learned counsel for the petitioner submits that only a formal amendment was to be made in the written statement and it was erroneously rejected by the trial Court. He submits that no doubt the case was at the stage of evidence of the plaintiff but the trial Court did not keep in mind that the law regarding amendment of a written statement is much more liberal than the law as regards amendment of plaint. He further submits that the said preliminary objection would be essential eventually and if the said amendment is not allowed, the rights of the petitioner/defendant No.1 shall be prejudiced.

5. Learned counsel representing the respondents-plaintiffs, on the other hand, has opposed the prayer submitting that there is no illegality in the impugned order. He submits that once the trial commences, in terms of the provisions of of Order 6 Rule 17 CPC, no amendment is admissible.

6. I have considered the submissions made by learned counsel for the parties.

7. Admittedly, the trial has commenced. In terms of the provisions of Order 6 Rule 17 CPC, amendment is required to be made before the trial commences. However, in the present case, only a formal amendment was sought to be made in the written statement and a preliminary objection that the suit was bad for partial partition was sought to be raised. In the considered opinion of this Court, the trial Court erred in declining the said application. Keeping in view the principles enunciated by the Supreme Court of India and this Court in various judgments especially the judgments in the case of **Revajeetu Builders & Developers versus Narayanaswamy & Sons & Others 2009 (10) SCC 84**, and **Life Insurance Corporation of India versus Sanjeev Builders Private Limited & Anr. 2022 AIR (Supreme Court)**



4256, this Court is of the considered opinion that the amendment should be allowed.

8. That being so, the present revision petition is allowed and the impugned order 20.02.2024 (Annexure P1) is set aside. Consequently, the application for amendment of written statement stands allowed.

Pending application(s), if any, stand disposed of.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**08.05.2025**

*Manoj Bhutani*

Whether speaking/reasoned Yes/No  
Whether reportable Yes/No