



CR-2117-2025 (O&M)

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

CR-2117-2025 (O&M)

Date of Reserve:-30.09.2025

Date of Pronouncement:-08.10.2025

Gagandeep Singh Brar & others

.....Petitioners

Vs.

Mandeep Singh & ors.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Vikas Mohan Gupta, Advocate,
for the petitioners.

Ms. R.K. Grewal, Advocate,
for respondent Nos. 1 to 4.

Mr. A.P.S. Shergil, Advocate
for respondent No. 5

SUDEEPTI SHARMA J.

1. Present revision petition is preferred against order dated 24.03.2025 passed by learned Civil Judge (Jr. Divn.), Jagraon, District Ludhiana, whereby the application filed by petitioners/defendant Nos. 2, 4 and 5 under Order 6 Rule 17 CPC read with Section 151 CPC for amendment of the written statement, was dismissed.

2. Brief facts of the case are that respondent Nos. 1 and 2 filed suit for declaration to the effect that they are owners of the land measuring 125 kanals 5 marlas. Petitioners/defendant Nos. 2, 4 and 5 filed reply to the same denying the ownership of respondent Nos. 1 and 2/plaintiffs. Thereafter, respondent Nos. 1 and 2/plaintiffs filed replication to the written statement whereby certain new facts were pleaded. Then, petitioner/defendant Nos. 2, 4 and 5 filed application under Order 6 Rule 17 CPC read with Section 151 CPC for amendment of their written

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statement since they wanted to rebut the replication to the written statement filed by the respondents. However, the application was dismissed, vide impugned order dated 24.03.2025 passed by learned Civil Judge (Jr. Divn.), Jagraon, District Ludhiana. Hence, the present revision petition.

3. Learned counsel for the petitioners contends as under:-

- (i) That the suit is at initial stage and no prejudice would be caused to the respondents if application filed by them under Order 6 Rule 17 CPC read with Section 151 CPC for amendment of their written statement is allowed by the Court.
- (ii) That the replication is part of the pleadings and if new facts have been raised which are to be rebutted then amended written statement is required to be filed.
- (iii) That by allowing the amendment in the written statement, there would be no change in the nature of the case.
- (iv) That the present revision petition be allowed and impugned order dated 24.03.2025 be set aside.
- (v) He relies on the Division Bench judgment of this Court in a case of ***Salig Ram and another vs. Shiv Shankar and others, 1971 AIR Punjab and Haryana 437*** and on the case of ***Hakam Singh vs. Jagir Singh, 1991 (2) RRR 170***.

4. Per contra, learned counsel for the respondents contends that it has been categorically mentioned in the plaint that they are owners in possession and new fact has been taken by petitioners in the amended written statement. She further contends that in the written statement which is already part of record, petitioners/defendant Nos. 2, 4 and 5 never mentioned that they have sown the crop and now they are taking this new plea in the amended written statement. She, therefore, prays that the present revision petition be dismissed.

5. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

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6. A bare perusal of the impugned order shows that the reasoning given by learned Civil Judge (Jr. Divn.), Jagraon, District Ludhiana while dismissing the application filed by the petitioners under Order 6 Rule 17 CPC read with Section 151 CPC is that as per Order 6 Rule 1 CPC pleadings include only plaint or written statement and further that the bar of Order 8 Rule 5 CPC which is about deemed admission of the facts of the plaint which are not denied, is not applicable in the case of replication. It has further been held that petitioners want to amend the written statement for the purpose of denying the facts mentioned in the replication, which is to be filed after filing written statement, which is not permissible.

7. The reasoning given by learned Civil Judge (Jr. Divn.), Jagraon, District Ludhiana is not acceptable to this Court.

8. Hon'ble the Supreme Court in a case of ***K. Laxmanan vs. Thekkayil Padmini and others, 2009 (1) RAJ 78*** held that pleading consists only of plaint and written statement and replication to the written statement if allowed by Court.

9. In the present case, replication was filed wherein certain new pleadings were recorded and to rebut that, petitioners/defendant Nos. 2, 4 and 5 moved an application under Order 6 Rule 17 CPC read with Section 151 CPC for amendment of their written statement. The suit is at initial stage and no prejudice would be caused to the respondents, if the application for amendment of the written statement filed by the petitioners/defendant Nos. 2, 4 and 5 is allowed.

10. In the case of ***Salig Ram and another vs. Shiv Shankar and others, 1971 AIR Punjab and Haryana 437***, this Court held that replication is part of pleadings and anything which is specifically stated in the replication for the first time that is required to be controverted and if it is not controverted and is allowed to pass, it must be assumed that the plea raised is accepted.

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11. Further Hon'ble the Supreme Court in a case of *Sheikh Noorul Hassan vs. Nahakpam Indrajit Singh and others, 2024 INSC 391* has held that replication though not pleadings as per Order VI Rule 1, is permissible with the leave of the Court under Order VIII Rule 9 of the CPC.

12. In the present case, if the amendment in the written statement is allowed, that would not cause any prejudice to the respondents since the suit is at initial stage and issues are yet to be framed. Further for proper adjudication of the case and to avoid multiplicity of suits, replication filed by the respondents is required to be answered by way of amendment in the written statement.

13. In view of the above discussion, the present revision petition is **allowed**. Order dated 24.03.2025 passed by learned Civil Judge (Jr. Divn.), Jagraon, District Ludhiana is set aside to the extent of dismissing the application filed by petitioners/defendant Nos. 2, 4 and 5 under Order 6 Rule 17 CPC read with Section 151 CPC for amendment of the written statement.

14. Accordingly, the application filed by petitioners/defendant Nos. 2, 4 and 5 under Order 6 Rule 17 CPC read with Section 151 CPC for amendment of the written statement is allowed and the learned Civil Judge (Jr. Divn.), Jagraon, District Ludhiana is directed to accept the amended written statement filed by petitioners/defendant Nos. 2, 4 and 5 and proceed to decide the suit.

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

08.10.2025

Gaurav Arora

(SUDEEPTI SHARMA)**JUDGE**Whether speaking/non-speaking
Whether reportable: Yes/No
: Yes/No