



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

114

CR-3157-2025

Date of Decision.:23.05.2025

Tarsem Lal Khan and Another

.....Petitioners

Vs.

Jagdish Khan and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Pushpinder Kaushal, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioners herein are the plaintiffs before learned Civil Judge (Junior Division), SAS Nagar, Mohali in civil suit bearing CIS No.CS-947-2023 titled "*Tarsem Lal Khan and another versus Jagdish Khan and others*". They are aggrieved by the order dated 05.02.2025 (*Annexure P-7*) passed by the trial Court, whereby an application under Order VI Rule 17 CPC moved by the defendants, for amendment of their written statement, has been allowed.

2. It is contended by learned counsel that specific contention of the two plaintiffs to the effect that they were running their respective business on the shops in dispute for the last so many years, as pleaded in para Nos.12 and 13 of the plaint, had not been denied by the defendants in their written statement (*Annexure P-2*). Rather, their stand was that plaintiffs were not making payment of rent to the Nurani Masjid Welfare Committee Mattaur, under which the plaintiffs were the tenants. However, by way of application under Order VI Rule 17, defendants sought to amend the written statement, whereby the possession of the plaintiffs for the last so many years was denied and it was contended that they had taken the shops on rent in 2018 but had not paid the rent. Defendants further sought to incorporate the plea that land in question, on which the plaintiffs were carrying on the business had since been acquired by the State Government

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through Land Acquisition Collector, which was evident from the demarcation report 04.04.2024. Said amendment has been allowed by the trial Court by way of impugned order.

3. Assailing the impugned order, learned counsel contends that defendants have taken a totally inconsistent stand after settlement of the issues and therefore, amendment has been wrongly allowed.

4. After hearing learned counsel for the petitioners at length, this Court does not find merit in the contention. As far as the possession of the plaintiffs on the disputed property is concerned, it is not sought to be denied by the defendants in the amended written statement. They only sought to incorporate that possession of the plaintiffs was since 2018 as tenants but they had neither paid the rent to the old committee nor to the new committee and later on, the land in question had since been acquired by the State. The said amendment does not change the nature of the suit. It cannot be considered to be inconsistent with the earlier stand. Even otherwise, the law regarding amendment of the written statement is quite liberal and defendant can be permitted even to take alternative or inconsistent stand. The plaintiffs- petitioners herein will get the opportunity to controvert the stand of the defendants as taken in the amended written statement and as such, no prejudice is being caused to them.

5. In the aforesaid facts and circumstances, there is no perversity or illegality in the impugned order. As such, holding the present revision to be devoid of any merit, same is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

May 23, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No