



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

119

CR-5957-2025

Date of decision :11.09.2025

USHA

... PETITIONER

VERSUS

SUSHIL KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Nikhil Vats, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The present revision petition challenges the order dated 09.07.2025 (Annexure P-1) passed by the Civil Judge (Junior Division), Rohtak, whereby the application under Order 6 Rule 17 read with Section 151 CPC for amendment of the written statement, filed by defendant No. 4 (the present petitioner), was rejected.

2. Admittedly, in the present case, defendant No. 4 had filed her written statement on 19.07.2019, wherein she admitted that Hans Raj was the absolute owner in possession of the suit property and that he had rightfully and legally transferred the suit property in favour of defendant No. 1. However, by filing the present amendment application, defendant No. 4/petitioner seeks to take a contrary stand, asserting that the suit property was never transferred legally by Hans Raj and claimed that she is entitled to 1/4th share as a legal heir of deceased Hans Raj. In effect, she intends to withdraw the admission made earlier in her



written statement dated 19.07.2019.

3. It is the case of the petitioner-defendant No. 4 that defendant No. 1 had obtained her signatures on some blank papers under the pretext of making legal heirs, and subsequently filed a written statement on her behalf. Defendant No. 4/petitioner contends that this fact has recently come to her knowledge.

4. The learned Court of first instance, however, rejected the application for amendment of the written statement on the ground that defendant No. 4 (the petitioner) cannot be allowed to withdraw her admission through the proposed amendment.

5. On consideration, I do not find any error in the order passed by the Court of first instance. The law regarding amendment of pleadings is not in doubt. The principles governing the amendment of the plaint are also applicable in case of amendments to the written statement. It is also undisputed that amendments should be liberally allowed at the initial stages of litigation; however, once the trial starts, then due diligence has to be seen allowing amendments.

6. It is only in exceptional cases that amendment to pleadings is not accepted by the Courts and one of the exceptions is that once admission has been made by one of the parties either by plaintiff or defendant, then by way of subsequent amendment, he cannot be allowed to withdraw his admission already made. This exception is in public interest. The main purpose of allowing amendment of written statement in a liberal manner is to adjudicate matters finally in just manner by giving due opportunities to all the parties to raise all possible pleas in favour of their respective case. Purpose is for a just adjudication of case before the Court.

7. However, if the admission is allowed to be withdrawn, the public purpose of adjudicating case in just manner would be defeated and that is the



reason that Court while allowing amendment, rejects cases where an effort is made to withdraw admission made earlier.

8. In the present case, it is admitted that the written statement was filed on 19.07.2019. The present amendment application has been preferred only in the year 2025. It is also admitted, upon query from the learned counsel for the petitioner, that no separate suit for declaration seeking the estate of Hans Raj was filed by the present applicant-petitioner claiming her right to be a coparcener and to seek a 1/4th share, as being claimed now in the present application. It is worth noticing that learned Court below has duly recorded finding regarding collusion between plaintiff and defendant No. 4-petitioner as plaintiff is also seeking similar rights as defendant No. 4-petitioner is seeking and has supported the application for amendment preferred by defendant No. 4-petitioner.

9. I do not find any error in the order passed by the learned Court below; an amendment cannot be allowed for the purpose of withdrawing an admission already made on behalf of the party seeking the amendment.

10. Learned counsel for the petitioner has referred to the judgment titled as *Aadish Aggarwal and another Vs. Brijeshwar Swaroop and another, 2018(1) PLR 270*.

11. Judgment referred to by the learned counsel for the petitioner is of no help to the case of the petitioner. The principles laid down therein are not in dispute.

12. Admittedly, as noted above, the Court in the said pronouncement also held that amendment in pleadings has to be allowed in a liberal manner and even inconsistent pleas can be allowed to be taken in written statement. However, admission made earlier, cannot be withdrawn by the party.

13. In judgment **Ram Niranjana Kajaria vs Sheo Prakash Kajaria and**



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ors., S.L.P. (C) Nos. 31423-31424 of 2010, decided on 10.09.2015, Hon'ble Supreme Court held that an admission made by a party, cannot be withdrawn by way of amendment of pleadings. The principle stated in *Ram Niranjana Kajaria case* (Supra) is fully applicable to the facts of the present case. Accordingly, the present revision petition is dismissed.

11.09.2025
manoj

(PARMOD GOYAL)
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable | Yes/No |