

(2010) 08 P&H CK 0409

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Kulwinder Singh

APPELLANT

Vs

Paramjit Singh and Another

RESPONDENT

Date of Decision: Aug. 3, 2010

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 2 Rule 2, 11

Hon'ble Judges: Mahesh Grover, J

Bench: Single Bench

Judgement

Mahesh Grover, J.

Learned Counsel for the petitioner states that the amendment to the written statement has been wrongly declined by the learned trial Court vide order dated 23.12.2009. He states that the amendment sought is clarificatory in nature and the objections which have already been taken are intended to be made more elaborate. He further states that no evidence is required to be led on the issue if the amendment is permitted to be incorporated in the written statement.

2. Learned Counsel for respondent No. 1 has objected to the averments made by the petitioner on the ground that these facts were known to the petitioner and the amendment cannot be allowed at the belated stage.

3. After hearing the learned Counsel for the parties, I am of the opinion that the amendment sought to be incorporated in the written statement which is also reproduced as under is merely clarificatory in nature and is to supplement the objections which have already been taken in the written statement and no prejudice is likely to be caused to the respondents, more so when no evidence is required to be led as has been stated by the learned Counsel for the petitioner.

2. That the applicant begs to amend the written statement in the following manner:

a) That in para No. 3 of the pre-objection add, "Order 2 Rule 2 and Section 11 of the CPC".

b) That in para No. 5 of the pre-objection after the word non-joinder add "of Turinderjit Kaur and Karamjit Kaur ds/o Sarwan Singh."

4. Having regard to the aforesaid and also the fact that equitable justice can be ensured by compensating the other side with costs, the petition is accepted and the impugned order is set aside subject to payment of Rs. 5,000/- as costs and the amendment sought by the petitioner is permitted to be incorporated in the written statement.