

**IN THE COURT OF SH. SIMARJIT SINGH, CIVIL JUDGE JR.  
DIVISION, AMRITSAR.**

Charanjit Singh Vs Anoop Kumar & others.

**Application u/o 6 rule 17 read with section 151 CPC for amendment of written statement.**

Presence:

Mr. A.S. Randhawa, Adv. For plaintiff.

Mr. Rupesh Mahindru Adv. For defendant.

**ORDER**

1. This order mine shall dispose off an application u/o 6 rule 17 CPC filed by the defendant. The applicant/defendant has stated that para no.3 of written statement on merits at page no.5 in sixth line it has been mentioned that:

**“originally the suit property was owned by Sh. Ram Parkash s/o Sh. Sunder Singh said Sh. Ram Parkash had executed in a sale deed dt. 26.5.2000 duly registered in the office of Sub Registrar, Amritsar on 30.5.2000 in favour of the replying defendant no.1 for consideration.”**

Infact the said sale deed was executed by Sh. Gurdial Singh s/o Sh. Buta Singh and not by Sh. Ram Parkash s/o Sh. Sunder Singh. The applicants wants to amend their written statement as under:-

Para no.3. of the preliminary objections of the written statement at page no.5 all the lines after sixth line be deleted and the following lines be added/amended as:

**“originally the suit property was owned by Sh. Ram Parkash s/o Sh. Sunder Singh said Sh. Ram Parkash had executed in a sale deed dt. 26.5.2000 duly registered in the office of Sub Registrar, Amritsar on 30.5.2000 in favour of the replying defendant no.1 for consideration and since the day of purchase of the suit.”**

The said mistake is only a typing mistake and had occurred due to some mistake and/or due to oversight.

Earlier the said mistake was also mentioned in para no.2 of the preliminary objections of the written statement and the applicants had sought amendment to written statement of that para only which was allowed by the court of Ms. Harsimranjit Kaur, Id. CJJD Amritsar but inadvertently/ due to mistake the amendment of para no.3 which is on the same line could not be sought. The applicant prayed that his application may be allowed in interest of justice.

2. In reply, the respondent/plaintiff contested the application orally stating that present application has been filed only to delay the proceedings and prayed that the application may kindly be dismissed with cost in the interest of justice, equity and fairplay.

3. Heard. After hearing, the arguments forwarded by both the Id. Counsel for the parties, after going through the contents of the present application in hand and after perusal of the file minutely and invoking the provisions of order 6 rule 17 **Amendment of pleadings:-** The court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

(Provided that no application for amendment shall be allowed after the trial has commenced, unless the court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial), it is shown that the amendment sought is necessary for determining the real controversy between the parties. However, the applicant should be burdened with costs. In view of the above discussion the

application in hand is allowed, subject to the payment of cost of Rs.1500/- to the plaintiff. Now to come up on 16.10.2017 for filing amended written statement.

**Pronounced in the open court**  
**Dated:27.9.2017**

**(Simarjit Singh)**  
**Civil Judge Junior Division**  
**UID No. PB 0554**

**Arzoo**

Charanjit Singh Vs Anoop Kumar      1169-16

Presence:

Mr. A.S. Randhawa, Adv. For plaintiff.

Mr. Rupesh Mahindru Adv. For defendant.`

Vide my separate order of even date the application for amendment of written statement filed by applicant/defendant is allowed, Subject to payment of cost of Rs.1500/- to be paid to the plaintiff. Now to come up on 16.10.2017 for filing amended written statement and consideration on the stay application.

**(Simarjit Singh)**  
**CJJD,ASR,27.9.2017**  
**UID No. PB 0554**

Date of Order:27.9.2017  
Arzoo  
Next Date:16.10.2017  
Purpose: