

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. 969 of 2010

Date of Decision: 07.09.2010

M/s. Saini Rice and General Mills

.... Petitioner

Versus

M/s. Dhillon Traders and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE ALOK SINGH**

Present : Mr. Pritam Saini, Advocate  
for the petitioner

Mr. Manpreet Singh, Advocate  
for the respondents

**ALOK SINGH, J. (ORAL)**

Present petition is filed by the petitioner assailing the order dated 3.9.2009 passed by Civil Judge (Sr. Divn.) Rupnagar whereby application moved by the defendants under Order 6 Rule 17 CPC was rejected.

By way of the proposed amendment, defendant wants to correct dates mentioned in Paragraph No. 3 of the preliminary objections. As per defendant due to typographical mistake instead of 22.2.2002, 20.2.2002 was written. Likewise instead of 12.12.2002, 23.12.2002 was wrongly typed. Similarly instead of 28.3.2003, 21.8.2002 was wrongly typed. Learned trial Court pleased to reject the amendment application by observing that defendant could not prove that inspite of due diligence facts sought to be amended were not in the knowledge of defendant.

Learned counsel for the petitioner vehemently argued that defendant has already produced his evidence according to the receipts and no fresh evidence is required to produced. He further

states that by correcting the dates in Paragraph No. 3 of the written statement neither defendant will take new case nor inconsistent case.

Learned counsel for the respondents-plaintiffs argued that if defendant is permitted to correct the dates, he will try to lead fresh evidence by filing the lacuna in the case of defendant. He further argued that no amendment should be allowed at belated stage of the trial.

In the opinion of this Court defendant does not want to change any figure of the amount, he want to correct dates which according to the defendant was wrongly typed. Entire evidence has been led by the defendant as stated by learned counsel for the petitioner and no new evidence is required to be produced even after the amendment. Hence, amendment seems to be proper and just for fair adjudication of the case.

Amendment application moved by defendant-petitioner is allowed subject to the payment of cost of Rs. 2,000/-. Amended written statement shall be filed within 15 days from today. However, it is made clear that defendant shall not produce any evidence as stated by learned counsel for the petitioner on the amended pleadings.

**07.09.2010**

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**(ALOK SINGH)  
JUDGE**