

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMPMO No. 296 of 2014

Date of Decision 26<sup>th</sup> September, 2014

---

**Partap Singh**

**....Petitioner**

**Versus**

**Gopal Singh and others**

**....Respondents**

---

*Coram*

**The Hon'ble Mr. Justice Dharam Chand Chaudhary, J.**

Whether approved for reporting?<sup>1</sup> No.

---

For the Petitioner: Mr. G.R. Palsra, Advocate.

For the Respondents: None.

---

**Dharam Chand Chaudhary, J (oral)**

The complaint is that the amendment in the written statement has erroneously been allowed by the learned Trial Court at such a stage when the petitioner-plaintiff has already entered into the witness box and produced in evidence his own affidavit vide order dated 13.8.2014 which is under challenge in this petition.

It is seen that vide impugned order Annexure P-1, the learned Trial Judge has allowed the application under Order 6 Rule 17 read with Section 151, CPC. The respondents-defendants have been allowed to incorporate following by way of amendment:

**“In para No.4 of written statement in 10<sup>th</sup> line after the word settlement operation by adding the date “on dated 13-01-1963” and total sale consideration amount of Rs. 62/- was received from the father of defendants No. 1 to 6 namely Keshav Ram and Rs. 85/- was received from defendant No. 7 and 125/- was received from Lajja Ram father of defendant No. 8 to 13 by Jassa Ram father of plaintiff” is to be added.”**

The only grouse against the amendment in the written statement allowed is that when the respondent-plaintiff has already

---

<sup>1</sup> *Whether Reporters of Local Papers may be allowed to see the judgment? Yes.*

produced in evidence his affidavit, he will not be in a position to produce evidence qua the facts now pleaded in the written statement by way of amendment. His apprehension, however, is not well founded for the reason that he will have the opportunity to file replication to the amended written statement and also to produce in evidence his affidavit afresh in the light of the amended pleadings, if so advised. Therefore, there is no merit in this petition and with the above observations, the same is dismissed. Pending application(s), if any, shall also stand disposed of accordingly.

An authenticated copy of this order be sent to learned trial Court for record and compliance.

**September 26, 2014**  
**(mamta)**

**(Dharam Chand Chaudhary)**  
**Judge**