

(2013) 10 P&H CK 0277
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 413 of 2013

R.K. Sharma

APPELLANT

Vs

Punjab Agro Food Grain Corporation Ltd.

RESPONDENT

Date of Decision : 10-10-2013

Acts Referred:

Citation : (2013) 10 P&H CK 0277

Hon'ble Judges : Rajan Gupta, J

Bench : Single Bench

Advocate : Vipin Mahajan, for the Appellant; Anupam Singla, for the Respondent

Final Decision : Dismissed

Judgement

Rajan Gupta, J.—Present revision petition is directed against the order passed by Additional Civil Judge (Sr. Division), Gurdaspur whereby he has rejected the application for amendment of written statement. Learned counsel for the petitioner has assailed the order. According to him, by way of amendment he only wants to elaborate certain facts. Plea has been erroneously rejected by the court below. He has placed reliance on judgment rendered by this court in Civil Revision No. 5603 of 2008 titled as Avtar Singh Bhambri & ors. vs. Amarjit Kaur.

2. Plea has been opposed by learned counsel appearing for the respondent. He submits that trial court has correctly rejected the prayer for amendment.

3. I have heard learned counsel for the parties. It appears that a suit was preferred by plaintiff-Corporation seeking recovery of amount of Rs. 7,53,0579/-. On notice being issued, defendant appeared and filed a detailed written statement. Suit was instituted in the year 2008. Issues were framed thereafter and plaintiff led its entire evidence. Instant application was moved for amendment of written statement to incorporate certain facts. Plea has been turned down by court below on the ground that all facts were in the knowledge of petitioner from the initial stage. I find no infirmity with the order. Learned counsel for the petitioner has not been able to show that despite due diligence

petitioner could not incorporated the averment now sought to be added. Reliance placed by learned counsel for the petitioner on Avtar Singh Bhambri's case (supra) is misplaced as facts of the said case were totally different. I, thus, find no ground to interfere in revisional jurisdiction. Dismissed.