

Punjab-Haryana High Court

Mohinder Singh And Ors. vs Tara Singh And Ors. on 8 February, 1994

Equivalent citations: (1994) 107 PLR 733

Author: V Jhanji

Bench: V Jhanji

ORDER V.K. Jhanji, J.

1. Counsel agree that the civil revision be disposed of at this stage.
2. Heard counsel on merits.
3. In a suit for declaration filed by the plaintiff (respondent herein), defendants No. 2 to 6 (petitioners herein) filed an application for amendment of the written statement so as to take up a plea that they are bona fide purchasers for a consideration and without notice. Amendment was also sought to take up a plea with regard to limitation and estoppel. The amendment application, on contest, was dismissed on the ground that this would change the nature of the suit or if allowed, it will permit the petitioners to withdraw the admission already made. I have gone through the original written statement as well as the proposed written statement and I find that the proposed amendment in no way changes the nature of the defence already taken or for withdrawing the admission. By the proposed amendment, the only plea sought to be taken is that they are bona fide purchasers for a consideration without notice and suit is barred by time and the plaintiff is estopped from filing the suit. The amendment was at the stage when the petitioner were yet to lead their evidence and thus shall not cause any prejudice to the plaintiff.
4. Consequently, this civil revision is allowed the impugned order is set aside and the petitioners shall be permitted to amend the written statement subject to payment of Rs. 500/- as costs.
5. Parties through their counsel are directed to appear before the trial Court on 15.3.1994.