

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 1551 of 2015 (O&M)
Date of decision: 23.4.2015

Shanti Parkash

.. Petitioner

v.

Mohinder Pal

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Arun Takhi, Advocate for the petitioner.
None for the respondent.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 25.11.2014, passed by the learned court below, whereby the application filed by the petitioner-plaintiff for amendment of the plaint, was dismissed.

Learned counsel for the petitioner submitted that the only amendment sought in the plaint was regarding location of the property in dispute. He submitted that inadvertently, the boundaries were mentioned as “East: Balwant Singh; West: Street; North: Gali; South: House of Mr. Bedi”, whereas even as per the sale deed, vide which the petitioner had purchased the property, the boundaries are as under:

East:	House of Jagdish Raj Sharma
West:	Street 20 feet wide
North:	House of Ashok Bedi
South:	House of Smt. Late Preeto w/o Shanti Parkash.

The aforesaid amendment will not change the nature of the suit. The same was merely typographical error. No prejudice as such will be caused to the respondent-defendant.

Despite notice, none has appeared for the respondent.

After hearing learned counsel for the petitioner and finding that the error is merely in mentioning of identification of the property, namely, what is situated on its North, South, East and West side, which was wrongly mentioned on account of typographical error, as claimed by the petitioner, in my opinion, the amendment deserves to be allowed as the case is still at the stage of plaintiff's evidence. The impugned order passed by the court below is set aside. The application for amendment filed by the petitioner is allowed.

As none has appeared for the respondent, I do not deem it appropriate to impose the cost.

The petition stands disposed of.

(Rajesh Bindal)
Judge

23.4.2015
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