

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No.2550 of 2015
Date of decision: 13.08.2015**

Saffron World School

... Petitioner

Vs.

Saffron Educational Trust

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Anupam Bhardwaj, Advocate
for the petitioner.

Mr. Vikram Anand, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 07.03.2015, Annexure P-6, whereby, the application filed by the petitioner-defendant under Order 6 Rule 17 read with Section 151 CPC, for amendment of the written statement for incorporating para No.3A has been rejected.

Learned counsel for the petitioner submits that the case was at initial stage, therefore, no prejudice would be caused to the respondent-plaintiff, in case the amendment is allowed.

Mr. Vikram Anand, learned counsel for the respondent submits that the case was not at the initial stage, whereas, it has

been listed for PWs and for consideration on the stay application. Moreover, there is no averment in the application that amendment sought was in the knowledge despite exercise of due diligence.

I have heard learned counsel for the parties.

There is no denial to the fact of law of amendment which is innocuous, should be permitted, in case, it helps in adjudication of the matter, but the fact remains that a person should not be negligent in exercise of due diligence. Though in the written statement, petitioner-defendant has categorically stated that suit is not maintainable. The said objection, i.e., of maintainability, in my view, would also envisage *locus standi* of plaintiff, therefore, preliminary objection sought to be incorporated by way of an amendment is wholly irrelevant.

There is no illegality, much less, perversity in the impugned order and in my view, the same is within the jurisdiction and cannot be said without jurisdiction.

There is no merit in the petition, accordingly, the same is hereby dismissed.

(AMIT RAWAL)
JUDGE

August 13, 2015
savita